

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

IN RE: )  
SCOTT K. WILLIAMS, )  
Debtor. ) CAUSE NO.  
\_\_\_\_\_  
RICHARD J. SAMSON, AS ) 9:22-bk-90147-BPH  
CHAPTER 7 TRUSTEE OF THE )  
ESTATE OF SCOTT K. WILLIAMS, )  
Plaintiff, )  
-vs- )  
CANDY WILLIAMS AND VIKING )  
INVESTMENTS, LLC, )  
Defendants. )

Taken at 310 West Spruce Street  
Missoula, Montana  
Thursday, September 14, 2023 - 1:00 P.M.

D E P O S I T I O N  
OF  
SCOTT WILLIAMS

Reported by Terra Rohlfs, RPR, Jeffries Court Reporting,  
Inc., 1015 Mount Avenue, Suite B, Missoula, Montana  
59801, (406)721-1143, Freelance Court Reporter and  
Notary Public for the State of Montana, residing in  
Hamilton, Montana, jcrcourt@montana.com

EXHIBIT

132

<p>1 APPEARANCES  2 Trent M. Gardner, Esq.  3 Hannah S. Willstein, Esq.  4 Goetz, Geddes &amp; Gardner, P.C.  5 The Ketterer Building, 35 North Grand  6 P.O. Box 6580  7 Bozeman, Montana 59771-6580  8 tgardner@goetzlawfirm.com  9 Associated Staff:  10 hwillstein@goetzlawfirm.com  11 appearing on behalf of Plaintiff, Richard J.  12 Samson, as Chapter 7 Trustee of the Estate of  13 Scott K. Williams.</p> <p>14 Edward "Rusty" A. Murphy, Esq.  15 Murphy Law Offices, PLLC  16 127 North Higgins, Suite 310  17 Missoula, Montana 59802  18 rusty@murphylawoffices.net  19 appearing on behalf of Defendant Candy Williams  20 and Viking Investments, LLC.</p> <p>21 Matt Shimanek, Esq.  22 Shimanek Law PLLC  23 317 East Spruce Street  24 Missoula, Montana 59802  25 matt@shimaneklaw.com  26 appearing on behalf of Debtor Scott K. Williams.</p> <p>27 Also appearing: Richard J. Samson and Candy  28 Williams</p>	<p>Page 2</p> <p>1 STIPULATIONS  2  3 It was stipulated by and between counsel for  4 the respective parties that the deposition be taken  5 by Terra Rohlfs, RPR, Freelance Court Reporter and  6 Notary Public for the State of Montana, residing in  7 Hamilton, Montana.</p> <p>8  9 It was further stipulated and agreed by and  10 between counsel for the respective parties that the  11 deposition be taken in accordance with the Montana  12 Rules of Civil Procedure.</p> <p>13  14 It was further stipulated and agreed by and  15 between counsel for the respective parties that all  16 objections except as to form would be reserved  17 until time of trial, and that said objections would  18 have the same force and effect as if interposed at  19 the time of taking the deposition.</p> <p>20  21 It was further stipulated and agreed by and  22 between counsel for the respective parties and the  23 witness that the reading and signing of the  24 deposition would be expressly reserved.</p> <p>25</p>
<p>1 INDEX  2 WITNESS: PAGE:  3 SCOTT WILLIAMS  4 Examination by Mr. Gardner 5  5 Stipulations 4  6 EXHIBITS:  7 Deposition Exhibit Number 1  8 U.S. Bank Statement 6/19/19-7/17/19 28  9 Deposition Exhibit Number 2  10 Photo of Receipt and Release By Sworn  11 Statement of Brenda Lee Harbers in Probate  12 No. 193700250 40  13 Deposition Exhibit Number 3  14 Order Granting Plaintiff's Ex Parte  15 Emergency Motion for Temporary Restraining  16 Order Without Hearing; and Notice of  17 Hearing in Cause No. 190905179 47  18 Deposition Exhibit Number 4  19 Summons for Scott Williams in Cause  20 No. 190905179 49  21 Deposition Exhibit Number 5  22 First Amended Complaint in Cause  23 No. 190905179 49  24 Deposition Exhibit Number 6  25 Payments to Scott spreadsheet 58  26 Deposition Exhibit Number 7  27 Zions Bank Statement 6/26/19 59  28 Deposition Exhibit Number 8  29 Zions Bank Statement 7/31/19 62  30 Deposition Exhibit Number 9  31 Photo of Zions Bank cashier's check 63  32 Deposition Exhibit Number 10  33 Zions Bank checks and withdrawal slips 64  34 Deposition Exhibit Number 11  35 Exhibit A, Answers and Documents Produced 67  36 Deposition Exhibit Number 12  37 U.S. Bank Statement 7/18/19-8/16/19 70  38 Certificate of Witness 72  39 Certificate of Court Reporter 73  40 Read and Sign Letter 74  41 Release Letter 75</p>	<p>Page 3</p> <p>1 THURSDAY, SEPTEMBER 14, 2023  2 Thereupon,  3 SCOTT WILLIAMS,  4 a witness of lawful age, having been first duly  5 sworn to tell the truth, the whole truth and  6 nothing but the truth, testified upon his oath as  7 follows:</p> <p>8 EXAMINATION  9 BY MR. GARDNER:  10 Q. Could you state your name and address for  11 the record.  12 A. Scott Williams. 11423 Spotted Fawn Lane,  13 Bigfork, Montana 59911.  14 Q. Okay. And Mr. Williams, my name is Trent  15 Gardner, you understand that I represent your  16 bankruptcy trustee --  17 A. Yes, I do.  18 Q. -- Richard Samson?  19 A. Uh-huh.  20 Q. Okay. Just a couple of quick ground  21 rules. I know you'll know what my question is a  22 lot of times, but if you could wait for me to  23 finish before you answer, that will help us get a  24 clear record, and I'll try to do the same with you.  25 And we also need verbal answers --</p>

<p>1 A. Okay.</p> <p>2 <b>Q. -- instead of nods or shakes.</b></p> <p>3 <b>Have you ever been deposed before?</b></p> <p>4 A. Yeah.</p> <p>5 <b>Q. How many times?</b></p> <p>6 A. A couple.</p> <p>7 <b>Q. When were you deposed?</b></p> <p>8 A. Last -- in the last year in this case 9 with my brother, and I don't remember the date off 10 hand, but in the last year. And then like 30 years 11 ago probably, I was -- I managed a motorhome 12 business, a guy talked me into driving his 13 motorhome for him home after hours, I got hit. The 14 guy was an attorney, didn't have insurance, so he 15 just played it out until all the insurance 16 companies involved, the company, mine, the 17 employer's, everybody just paid for it.</p> <p>18 <b>Q. Any other times you've ever been deposed?</b></p> <p>19 A. No.</p> <p>20 <b>Q. Have you ever been involved in any other</b> <b>litigation?</b></p> <p>21 A. Just the litigation that is part of this 22 case that was originally with my brother, a 23 different brother, Duffy Williams. And then 24 with -- and then that turned on to me and the</p>	<p>Page 6</p> <p>1 <b>Q. When was the last time you were employed?</b></p> <p>2 A. In 2019, I guess.</p> <p>3 <b>Q. Okay. And how were you employed in 2019?</b></p> <p>4 A. It's kind of questionable whether I was 5 employed or just kind of helping out my father, but 6 I did stuff for my father, his business, but...</p> <p>7 <b>Q. And your father's business was what?</b></p> <p>8 A. Hugh's RV is what it was called.</p> <p>9 <b>Q. Okay. Do you recall whether you received</b> <b>W-2s?</b></p> <p>10 A. Never did, no.</p> <p>11 <b>Q. And the last time you did that was in</b> <b>2019?</b></p> <p>12 A. Actually my dad died in 2019, so 13 technically I guess it was 2018, and I was still 14 there in 2019, but...</p> <p>15 <b>Q. Okay. And we'll get to that in a minute.</b></p> <p>16 <b>But since that 2018/early 2019 have you</b> <b>been employed in any other way?</b></p> <p>17 A. No.</p> <p>18 <b>Q. Have you had any other source of income</b> <b>since 2019?</b></p> <p>19 A. Social Security starting in I believe 20 2021.</p> <p>21 <b>Q. Okay.</b></p>
<p>1 trust.</p> <p>2 <b>Q. Okay. That litigation with Duffy --</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. -- tell me about that litigation.</b></p> <p>5 A. Okay. So Duffy had an attorney who he 6 owed money, the amount was always in question, I 7 never knew the exact amount, I heard different 8 numbers from different people, I always thought it 9 was about \$2500, the attorney sued him for 10 \$250,000. Duffy -- Duffy told him that he was in 11 Africa, which he had done before, he's been in 12 Africa, so the guy settled for I think about 13 \$23,000, but then came after me because Duffy told 14 him, or he assumed, I think, that I was helping him 15 out in some way.</p> <p>16 <b>Q. Okay. And was that back in like</b> <b>June/July of 2019?</b></p> <p>17 A. Yeah, his was in June or July, yes, and 18 then it flipped over to me and the trust on 19 July 21st of that year, yeah.</p> <p>20 <b>Q. Okay, okay. Briefly tell me about your</b> <b>education history.</b></p> <p>21 A. High school, a little bit of college.</p> <p>22 <b>Q. Okay. And are you currently employed?</b></p> <p>23 A. No.</p>	<p>Page 9</p> <p>1 A. I'm not sure of that date exactly, but I 2 believe 2021.</p> <p>3 <b>Q. Okay.</b></p> <p>4 A. Yeah, 2021 it was.</p> <p>5 <b>Q. So from 2019 to whenever the Social</b> <b>Security started in 2021, you didn't have any</b> <b>income?</b></p> <p>6 A. No, huh-uh.</p> <p>7 <b>Q. You mentioned the case with your brother</b> <b>where you were deposed last year, is that the</b> <b>arbitration proceeding?</b></p> <p>8 A. Yes, yes.</p> <p>9 <b>Q. And who were the plaintiffs in that case?</b></p> <p>10 A. Just Kent Williams.</p> <p>11 <b>Q. Okay. Were any of your other siblings</b> <b>involved?</b></p> <p>12 A. No.</p> <p>13 <b>Q. What is that case about?</b></p> <p>14 A. I guess their claims were I paid my 15 father's tithing after he died. I -- he questioned 16 a \$75,000 payment to me after he had already -- 17 everybody had already signed off on it, accepting 18 their money, knowing full well I was getting that 19 payment. I believe there's a claim for fuel, a 20 claim for food, and a claim for American Express</p>

<p>1 payments.</p> <p>2     <b>Q. Okay. The -- when was that \$75,000</b></p> <p>3 <b>payment to you made?</b></p> <p>4     A. On -- the siblings all got their --</p> <p>5 basically got their notification before that, but</p> <p>6 we had a meeting at the attorney's office on</p> <p>7 June 26th, I believe, of 2019.</p> <p>8     <b>Q. Okay.</b></p> <p>9     A. I didn't pay myself that day, I waited --</p> <p>10 I think until July 7th -- July 1st, I believe it</p> <p>11 was.</p> <p>12     <b>Q. Okay. And when you -- what was the</b></p> <p>13 <b>\$75,000 for?</b></p> <p>14     A. My dad called it retirement severance. I</p> <p>15 don't know. He told three of my sisters, he may</p> <p>16 have told my brothers, but they never admitted it,</p> <p>17 basically he was going to give me money if the</p> <p>18 business ever sold or closed down. And it all came</p> <p>19 from, he was originally in 2015 -- 2014 had an</p> <p>20 agreement to sell the property -- or not sell the</p> <p>21 property, but to build apartments and a development</p> <p>22 agreement with some other people.</p> <p>23     <b>Q. Okay.</b></p> <p>24     A. So that's when it instituted. And then</p> <p>25 he told -- unbeknownst to me, he told my sisters</p>	<p>Page 10</p> <p>1 and I can't remember everything else without</p> <p>2 looking at it.</p> <p>3     <b>Q. Okay.</b></p> <p>4     A. But that was his objection at the time is</p> <p>5 that it said final payment, which like I said, I</p> <p>6 wouldn't have signed that.</p> <p>7     <b>Q. Okay. So when did Kent start raising</b></p> <p>8 <b>issues about the 75,000?</b></p> <p>9     A. The first time I heard any problem was in</p> <p>10 the lawyer's letter that he sent in 2021.</p> <p>11     <b>Q. Okay. When did Kent initiate the</b></p> <p>12 <b>litigation?</b></p> <p>13     A. So he did the lawyer's letter in 2021, I</p> <p>14 answered it, the lawyer answered back, and at that</p> <p>15 point I decided I'd better get an attorney. So I</p> <p>16 got an attorney and then it went back and forth for</p> <p>17 months, if not a year or two.</p> <p>18     <b>Q. And that ultimately went into an</b></p> <p>19 <b>arbitration; right?</b></p> <p>20     A. Yes, the trust required it be an</p> <p>21 arbitration.</p> <p>22     <b>Q. Yeah, I think you said Kent was the only</b></p> <p>23 <b>plaintiff --</b></p> <p>24     A. Yes.</p> <p>25     <b>Q. -- in that arbitration?</b></p>
<p>Page 11</p> <p>1 all about it, and so it was included in the</p> <p>2 disbursement.</p> <p>3     <b>Q. Okay. And so prior to that June 26th,</b></p> <p>4 <b>2019 meeting you gave your siblings a</b></p> <p>5 <b>spreadsheet --</b></p> <p>6     A. A payout, yes, yes.</p> <p>7     <b>Q. -- showing what the distribution would</b></p> <p>8 <b>be?</b></p> <p>9     A. Right, exactly.</p> <p>10     <b>Q. And it showed that you were to get</b></p> <p>11 <b>\$75,000 more than they were?</b></p> <p>12     A. Yes. Listed as a severance, yes.</p> <p>13     <b>Q. Okay. And at that time did Kent dispute</b></p> <p>14 <b>that you were entitled to that?</b></p> <p>15     A. No.</p> <p>16     <b>Q. He never raised an issue?</b></p> <p>17     A. Absolutely not.</p> <p>18     <b>Q. Did he raise any issues at that time?</b></p> <p>19     A. The agreement that was signed that day,</p> <p>20 that the three girls signed, the three sisters --</p> <p>21 you have a copy of it -- it shows final payment</p> <p>22 received in full, which I wouldn't have signed, you</p> <p>23 know, the lawyer made it up, I didn't see it until</p> <p>24 the night before we went to the lawyer's office,</p> <p>25 taxes need to be paid out of -- out of the estate,</p>	<p>Page 13</p> <p>1     <b>Are any of -- Kent's making a claim</b></p> <p>2 <b>against you in this bankruptcy, correct, related to</b></p> <p>3 <b>that arbitration?</b></p> <p>4     A. I believe all of the siblings are. Three</p> <p>5 of them have already signed a release. But I guess</p> <p>6 on advice of counsel, I listed them all because I</p> <p>7 didn't know if that would, you know, absolve the</p> <p>8 whole thing for all of them or if they could all</p> <p>9 individually come back to me or what. So I'm the</p> <p>10 one who listed all of the siblings.</p> <p>11     <b>Q. Okay. What did you do to prepare for</b></p> <p>12 <b>today's deposition?</b></p> <p>13     A. I said my prayers, I read this, I --</p> <p>14 actually, Candy prepared this, which was a timeline</p> <p>15 just because we wanted -- I mean, it's based on</p> <p>16 factual things that we can nail down because it's</p> <p>17 all so old from 2019, that it's hard to remember</p> <p>18 exactly on what date what happened and what --</p> <p>19     <b>Q. Can I see that document?</b></p> <p>20     A. Right now?</p> <p>21     <b>Q. Yes.</b></p> <p>22     MR. SHIMANEK: I don't see any reason why</p> <p>23 you --</p> <p>24     A. Yeah, it's just a listing of a date, what</p> <p>25 happened and how she figured out how to do it, I</p>

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

<p>1 mean, the proof of what we're doing, so it 2 wasn't -- it's not a guess, it's -- there's 3 something tied to it.</p> <p>4 <b>Q. (BY MR. GARDNER) Okay. And what else 5 did you look at? Are those just copies -- more 6 copies of this?</b></p> <p>7 A. No, this is the payments that Candy has 8 made on my behalf towards anything that was 9 transferred to her.</p> <p>10 <b>Q. Okay. What else did you do to prepare?</b> 11 A. That's it.</p> <p>12 <b>Q. Okay.</b> 13 A. I didn't know what your questions would 14 be, so I didn't really have a lot to go on.</p> <p>15 <b>Q. Okay. Can I see the second one?</b> 16 A. Uh-huh.</p> <p>17 <b>Q. Is this the same document that you 18 produced to us in discovery?</b> 19 MS. WILLIAMS: We did. Oh, sorry. 20 A. I believe she did, yes. The only 21 difference is I understand it may have been updated 22 to the current date.</p> <p>23 <b>Q. (BY MR. GARDNER) Okay. When we're on a 24 break I'm just going to make copies --</b> 25 A. Sure.</p>	<p>Page 14</p> <p>1 A. No. 2 <b>Q. Prior to working for Hugh's RV what did 3 you do?</b> 4 A. I was mostly in the floor covering 5 industry.</p> <p>6 <b>Q. So when your dad died, you were the 7 personal representative of the --</b> 8 A. Yes. 9 <b>Q. -- estate; correct?</b> 10 A. Still am, to the best of my knowledge, 11 yes.</p> <p>12 <b>Q. Has that estate been closed?</b> 13 A. No. 14 <b>Q. Is that one of Kent and your other 15 siblings' complaints that the estate hasn't been 16 closed?</b> 17 A. They haven't complained about it anywhere 18 in writing that I'm aware of. Yes, they want it 19 closed, but it was from 2019, it was a \$5 million 20 estate and my dad hadn't paid his taxes for a 21 couple years, so we had to get that handled, and 22 there has to be some time limit of making sure 23 there aren't any problems with that. So there's no 24 reason to be in a hurry, that I'm aware of, except 25 they all wanted their money.</p>
<p>Page 15</p> <p>1 <b>Q. -- of those two.</b> 2 <b>Okay. Have you ever filed bankruptcy 3 before?</b> 4 A. Yes, uh-huh. 5 <b>Q. When did you file bankruptcy?</b> 6 A. I'm not sure of the date, I knew it 7 before, I don't -- off the top of my head, I don't 8 know. But 20 years ago or so, somewhere in there. 9 <b>Q. Early 2000s, roughly?</b> 10 A. Yeah, seems like it was earlier than 11 that, like the end of the '90s, but somewhere in 12 there, yeah. 13 <b>Q. And where was that bankruptcy filed?</b> 14 A. Salt Lake City, yeah, Salt Lake City. 15 <b>Q. Okay. How long did you work for Hugh's 16 RV?</b> 17 A. From 2007, I believe. 18 <b>Q. Okay. What type of work did you do for 19 Hugh's RV?</b> 20 A. He got a -- it's called El Monte RV, a 21 motorhome rental company, so he had that 22 opportunity, so he -- so I basically rented out 23 someone else's motorhomes is what it reduced to. 24 <b>Q. Okay. Were you involved in sales of 25 motorhomes at all?</b></p>	<p>Page 17</p> <p>1 <b>Q. Okay. What all was in your dad's estate?</b> 2 A. He had -- I assume his home was in his 3 estate, it automatically went to his wife the day 4 he died, but he had a home. He had five pieces 5 of -- parcels of property contiguous in one -- in 6 one lot that he had in north Salt Lake. And then 7 his personal effects. Well, actually, there's a 8 few -- there's a list of vehicles and stuff there 9 that are on the list. 10 <b>Q. So briefly --</b> 11 A. So that's all. 12 <b>Q. Okay. So briefly describe what you did 13 as the PR to deal with the estate.</b> 14 A. Okay. So first thing, he was in a 15 divorce with his ex-wife, so we got that stopped 16 because it was moot. I worked with his ex-wife's 17 son-in-law, who was also at this point her 18 attorney, to get the house sold and the personal 19 effects out of it and divided up. 20 And then I sold the property, the 21 property was valued at 2.7 million on the appraisal 22 in 2018, I sold it for 4.9 million, as if it had 23 entitlements, although it didn't. And with no 24 attorney -- or no attorney or real estate agent 25 involved.</p>

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

<p>1        And oversaw the closing down of his 2 estate there or -- yeah, the estate, and the 3 several vehicles that were listed as assets.</p> <p>4        <b>Q. How long have you and Candy been married?</b> 5        A. Since 2014.</p> <p>6        <b>Q. Okay. And did you -- I assume you lived</b> 7 <b>in Salt Lake at that time?</b></p> <p>8        A. Yeah, Cottonwood Heights in Utah, yes.</p> <p>9        <b>Q. Did you own a home in Utah?</b> 10      A. No.</p> <p>11      <b>Q. Did you ever own any real property in</b> 12 <b>Utah?</b></p> <p>13      A. Yes, yes, I had three homes with a 14 previous marriage in Utah, yes.</p> <p>15      <b>Q. And when was the last time you that you</b> 16 <b>owned a home?</b></p> <p>17      A. I believe 1992.</p> <p>18      <b>Q. Okay. And since then you didn't own --</b> 19      A. No.</p> <p>20      <b>Q. -- any real estate --</b> 21      A. No, never.</p> <p>22      <b>Q. -- in Utah?</b></p> <p>23      COURT REPORTER: So will you do me a 24 favor, Scott?</p> <p>25      THE WITNESS: Yes.</p>	<p>Page 18</p> <p>1        technically, when I would've been a resident of 2 Montana.</p> <p>3        <b>Q. Okay. And I'm not --</b> 4        A. But we physically moved at the end of 5 2020 -- or the end of June in 2020.</p> <p>6        <b>Q. Okay. And was Candy in Utah with you up</b> 7 <b>until that point or did --</b></p> <p>8        A. Yes.</p> <p>9        <b>Q. -- she move out earlier?</b> 10      A. Yes, no, she had a job there and stayed 11 in the house.</p> <p>12      <b>Q. Okay. And whose name was your lease in</b> 13 <b>Utah in?</b></p> <p>14      A. I don't positively -- I assume it was in 15 both our names. I think in Utah any -- any 16 occupants over 18 have to be on there, so it 17 might've been in my name, her name and her 18 daughter's, who stayed with us for quite a while, 19 but I'm not positive, I haven't looked at it.</p> <p>20      <b>Q. Okay. So we were -- did you and Candy</b> 21 <b>own any -- after you moved to Montana, own any real</b> 22 <b>estate?</b></p> <p>23      A. No.</p> <p>24      <b>Q. Okay. Did Candy own any real estate?</b> 25      A. Yes.</p>
<p>Page 19</p> <p>1        COURT REPORTER: And wait until he's 2 finished asking the question before you answer, 3 it's really hard for met to get you both talking at 4 the same time.</p> <p>5        THE WITNESS: Yes.</p> <p>6        A. Technically we had another lot that me 7 and my daughter bought in 1992, also, I believe, 8 just a vacant lot that we were going to build a 9 home on and then we discovered water in it, and 10 sold it quickly.</p> <p>11      <b>Q. (BY MR. GARDNER) Okay. So you and Candy</b> 12 <b>rented a home after you got married?</b></p> <p>13      A. Yes.</p> <p>14      <b>Q. You never owned a home in Utah? After</b> 15 <b>you and Candy got married --</b></p> <p>16      A. Oh, no, her and I never owned a home, no.</p> <p>17      <b>Q. Okay. So you rented. And when did you</b> 18 <b>move to Montana?</b></p> <p>19      A. In -- Okay. So our lease expired in end 20 of June in 2020, but -- and I don't know when 21 technically I would've moved -- I guess I had an 22 open lease in Utah until then, but I was up here 23 from February -- well, I was back and forth, I was 24 up here trying to get carpet out of this other home 25 earlier than that, but tech -- I don't know,</p>	<p>Page 21</p> <p>1        <b>Q. And what real estate?</b> 2        A. The 11423 Spotted Fawn Lane property.</p> <p>3        <b>Q. Any other real estate that Candy owned?</b> 4        A. No.</p> <p>5        <b>Q. Okay. Do you have any ownership in any</b> 6 <b>entities?</b> 7        A. No.</p> <p>8        <b>Q. I have seen an address used for Candy</b> 9 <b>in --</b></p> <p>10      (Slight disturbance, discussion held off 11 the record.)</p> <p>12      <b>Q. (BY MR. GARDNER) I've seen reference to</b> 13 <b>an address in Columbia Falls for Candy in 2019, do</b> 14 <b>you know what that is?</b></p> <p>15      A. 2019? The only thing I'm aware of is 16 that her mother has homesteaded property in 17 Columbia Falls from the 1800s, I believe.</p> <p>18      <b>Q. Okay. So back to your dad's estate. In</b> 19 <b>June of 20 -- June 26th of 2019, when you had that</b> 20 <b>meeting --</b></p> <p>21      A. Yes.</p> <p>22      <b>Q. -- approximately how much money was there</b> 23 <b>to divide up between the heirs?</b></p> <p>24      A. Between the heirs, between the 25 beneficiaries, we paid Hugh's wife first, so she</p>

<p style="text-align: right;">Page 22</p> <p>1 wasn't a beneficiary, I guess, but she was an heir, 2 and after the beneficiaries were left, I believe it 3 was 2 point -- guessing, 2.2 million. I can tell 4 you the amounts of each person -- well, I guess I 5 don't know exactly.</p> <p><b>Q. Okay. How many siblings do you have?</b></p> <p>6 A. Six.</p> <p><b>Q. Including you?</b></p> <p>7 A. Yes, so actually seven, sorry, seven.</p> <p><b>Q. Were they all beneficiaries?</b></p> <p>8 A. No.</p> <p><b>Q. Okay. How many were beneficiaries?</b></p> <p>9 A. Six.</p> <p><b>Q. And what are their names?</b></p> <p>10 A. Mary Williams, Kent Williams -- Mary Carter, excuse me, her married name, Mary Carter, 11 Kent Williams, Karen Priest, Brenda Harbers, and Duffy Williams.</p> <p><b>Q. And so did all of the siblings receive the same amount except for you?</b></p> <p>12 A. Yes.</p> <p><b>Q. Okay.</b></p> <p>13 A. Just to add in there, because of the way it was on the thing, one sibling, Mary, bought a 14 truck or took a truck out the estate, so that</p>	<p style="text-align: right;">Page 24</p> <p><b>Q. Okay. So what was the total amount that you ended up getting?</b></p> <p>3 A. 426,000-some-odd, I don't remember the 4 exact amount.</p> <p><b>Q. Okay. And how were you paid that money?</b></p> <p>5 A. I went to the bank and wrote myself a 6 check.</p> <p><b>Q. Explain that to me.</b></p> <p>7 A. Okay. So the other siblings, I had 8 written their checks out before the meeting and had 9 them there at the meeting for them, but I didn't do 10 mine. And I think the next -- well, day or two, I 11 went and had a cashier's check made.</p> <p><b>Q. Okay. To you?</b></p> <p>12 A. To myself, yeah.</p> <p><b>Q. For the full amount?</b></p> <p>13 A. Yes, 426,000, I believe, yes.</p> <p><b>Q. One cashier's check?</b></p> <p>14 A. Yes.</p> <p><b>Q. And what did you -- First off, why didn't you do your check in advance of the meeting the same way you did your siblings?</b></p> <p>15 A. I didn't see any hurry to do it.</p> <p><b>Q. Okay. What did you do with that cashier's check?</b></p>
<p style="text-align: right;">Page 23</p> <p>1 amount was deducted. Duffy wanted a tractor, and 2 that amount was deducted and went back into the 3 amount to be divided.</p> <p><b>Q. Okay. At that time, in June of 2019, was there any dissension among the siblings as to your handling of the estate?</b></p> <p>7 A. No, they were all happy as could be.</p> <p><b>Q. Okay.</b></p> <p>9 A. We all considered it pretty much a miracle that we got through this and got any money.</p> <p><b>Q. Okay. Did Kent ever press you for an accounting in June of 2019?</b></p> <p>13 A. I don't believe so. An accounting? No, 14 huh-uh, no. He wanted to be sure that he got his 15 money by the end of August, but that's all that he 16 ever pressed me for, he wanted to make sure that he 17 got the rest of his money by the end of August. 18 And, you know, I just said, we'll do what we can, 19 but it was in probate, so it wasn't -- he thought 20 the day the probate ended, it would be over, but I 21 didn't see it that way.</p> <p><b>Q. Around the time of this meeting did Kent ever tell you that if he thought you mishandled it, he would come after you?</b></p> <p>25 A. No.</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Took it home and put it in one of those 2 little safes.</p> <p><b>Q. You didn't do anything -- and that was about July 1st; right?</b></p> <p>5 A. I believe so, yes.</p> <p><b>Q. Okay. You didn't do anything with it at that time?</b></p> <p>8 A. No.</p> <p><b>Q. Okay. What's the next thing you did with it?</b></p> <p>11 A. At some point, and I believe it was -- I think I've given it to you so you have copies of 13 it, but I went and broke out that cashier's check 14 into another one, and put 25,000 to myself and 15 deposited that in my U.S. Bank account to pay bills.</p> <p><b>Q. What do you mean you went and broke it out into another one? Describe that.</b></p> <p>19 A. I had one cashier's check at home, I took it to the bank, had them make a cashier's check for 21 I believe 401,000, something like that, and 25,000 22 even, I believe, went into a cashier's check which 23 I ran right over to U.S. Bank.</p> <p><b>Q. So you had a \$426,000 cashier's check?</b></p> <p>25 A. Uh-huh.</p>

<p style="text-align: right;">Page 26</p> <p>1     <b>Q. You didn't take it to a bank and deposit</b>  2     <b>it; correct?</b>  3         A. No.  4     <b>Q. You took it home and then you took it</b>  5     <b>back to the bank, and rather than depositing it --</b>  6         A. Split it out.  7     <b>Q. -- you traded it in for two more</b>  8     <b>cashier's check?</b>  9         A. Yes, yeah.  10    <b>Q. Why didn't you deposit it in the bank?</b>  11      A. I was concerned that if I put it in my  12 bank account it would start to get flittered away.  13 That's all I had in the world and I just didn't  14 want to start -- you know, I didn't want to put it  15 in a bank account that I had that I could draw on  16 and start using money.  17   <b>Q. Okay. So that 426,000 that you got from</b>  18 <b>the estate, that was your money; right?</b>  19      A. Yeah, uh-huh.  20   <b>Q. And that was pretty much all the money</b>  21 <b>you had in the world?</b>  22      A. Yes, other than what was -- whatever  23 change was in my bank accounts and savings and such  24 there, yes, that's the only large amount of cash I  25 had.</p>	<p style="text-align: right;">Page 28</p> <p>1         A. But it went for bills, basically. Went  2 into my checking account and was used for bills and  3 what have you.  4     <b>Q. (BY MR. GARDNER) The Amex, the \$17,000</b>  5 <b>paid to American Express, was that American Express</b>  6 <b>account solely you or was that a joint American</b>  7 <b>Express account with Candy?</b>  8         A. It's solely mine.  9     <b>Q. I'm going to hand you what we'll mark as</b>  10 <b>Exhibit 1.</b>  11 <b>EXHIBITS:</b>  12             (Deposition Exhibit Number 1 marked for  13 identification.)  14         A. Thank you.  15     <b>Q. (BY MR. GARDNER) And that is a U.S. Bank</b>  16 <b>statement; correct?</b>  17         A. Yes, yes.  18     <b>Q. And the account is Scott K. Williams and</b>  19 <b>Candy L. Willden; correct?</b>  20         A. That's what it says, correct.  21     <b>Q. Okay. And you see down where it says</b>  22 <b>Deposits/Credits, there's a \$25,000 credit?</b>  23         A. Oh yes, okay, yes.  24     <b>Q. Yeah, July 1 there's deposit of</b>  25 <b>\$25,000 --</b></p>
<p style="text-align: right;">Page 27</p> <p>1     <b>Q. And that was your only asset of any real</b>  2 <b>substance; right?</b>  3         A. Yes, other than, you know, trucks and a  4 couple of trailers and stuff like that, yes, of any  5 substance, I think you're right.  6     <b>Q. And so now you've got two cashier's</b>  7 <b>checks, one for 401,000 and one for 25,000?</b>  8         A. It was in the bank the same day, I  9 believe.  10    <b>Q. Okay. And so the 25,000 went into a</b>  11 <b>joint checking account that you and Candy had at</b>  12 <b>U.S. Bank?</b>  13      A. It's not a joint account.  14     <b>Q. It's not a joint account?</b>  15      A. No.  16     <b>Q. Okay. That's your sole account?</b>  17      A. Yes.  18     <b>Q. And what was that 25,000 used for?</b>  19      A. We've looked at it since then, I believe  20 \$17,000 I paid on an American Express bill and the  21 rest went to whatever bills, credit cards, may have  22 gone to rent, I don't know.  23      COURT REPORTER: May have gone to what?  24      THE WITNESS: May have gone to rent.  25      COURT REPORTER: Thank you.</p>	<p style="text-align: right;">Page 29</p> <p>1         A. Yes.  2     <b>Q. -- that's the \$25,000 you just talked</b>  3 <b>about where you took your money and got a \$25,000</b>  4 <b>cashier's check --</b>  5         A. Correct.  6     <b>Q. -- and put it into a U.S. Bank account;</b>  7 <b>correct?</b>  8         A. Yeah, my U.S. Bank account.  9     <b>Q. And it's this U.S. Bank account --</b>  10      A. Yes.  11     <b>Q. -- which is in the name of Scott Williams</b>  12 <b>and Candy Williams -- or Willden?</b>  13      A. Problem there, when we got married that  14 became my account only because she can't use it  15 with her married name.  16      MS. WILLIAMS: It's a different last  17 name.  18      MR. GARDNER: Pardon me, you'll have your  19 chance.  20      MS. WILLIAMS: Sorry.  21     <b>Q. (BY MR. GARDNER) The name of this</b>  22 <b>account is both you and Candy; correct?</b>  23      A. That's what this printed paper says, but  24 she cannot use that account with that name, making  25 it only my account. Does that make sense to you?</p>

<p style="text-align: right;">Page 30</p> <p>1   <b>Q. I understand what you're saying --</b>      2   A. Okay, all right.      3   <b>Q. -- yes.</b>      4   <b>And you can leave those there.</b>      5   A. Oh, okay.      6   <b>Q. So you have another cashier's check for</b>      7   <b>about \$401,000?</b>      8   A. Yes, uh-huh.      9   <b>Q. What did you do with that check?</b>      10   A. Okay. So, again, I had that at my house.      11 On, I believe, August 3rd, I went to Zions Bank,      12 put that -- or put -- with that cashier's check,      13 made a cashier's check out to Viking Investments      14 LLC for \$400,000. I to this day cannot remember      15 the thousand-dollar difference, I assume I got that      16 in cash, but I think I would remember putting      17 \$1,000-something cash in my pocket, but that's the      18 only thing I could've done, is get cash, I don't      19 think there's any -- I don't know what else I      20 would've done except that.      21   So I took that      22 401-something-thousand-dollar check on I believe      23 August 3rd, made it into a \$400,000 cashier's check      24 to Viking Investments, and I believe pocketed the      25 cash difference; that's what I believe.</p>	<p style="text-align: right;">Page 32</p> <p>1 It's a Cenex right there as you go up to -- no, no,      2 it's not Glacier Travel Stop, that was the -- that      3 was the name of what her coffee company was going      4 to be. It's a Cenex right there at the      5 intersection of -- going up to the park and where      6 the highway comes from Bigfork up to intersect      7 with --      8   <b>Q. Columbia Falls?</b>      9   A. Yeah, exactly.      10   <b>Q. Columbia Falls Heights?</b>      11   A. Yeah, Columbia Falls Heights.      12   <b>Q. Okay. So what is Glacier Travel Stop?</b>      13   A. I believe that's the name of her -- a dba      14 that she had that she was gonna use for a coffee      15 stand if we got that gas station.      16   <b>Q. Okay. So you took your \$400,000 --</b>      17   A. Uh-huh.      18   <b>Q. -- traded in the cashier's check that you</b>      19 <b>had already traded in once and got a new cashier's</b>      20 <b>check to Viking Investments LLC?</b>      21   A. Exactly.      22   <b>Q. For \$400,000?</b>      23   A. Yes.      24   <b>Q. And Viking Investments LLC is owned</b>      25 <b>solely by Candy; correct?</b></p>
<p style="text-align: right;">Page 31</p> <p>1   <b>Q. Okay. And what is Viking Investments</b>      2 <b>LLC?</b>      3   A. It is Candy's LLC that she had just      4 opened up, I don't know, before that, a month      5 before, I believe.      6   <b>Q. Why had Candy opened up Viking</b>      7 <b>Investments LLC?</b>      8   A. Because our plan was to move to Montana      9 after my father died, we had planned -- she's from      10 here, she -- we'd planned on moving back for years.      11 I didn't have a job, she would have had to give up      12 her job. She had, for years, been looking at maybe      13 doing a coffee shop or something up here. I had      14 been looking at a gas station to buy for months      15 before that. And she was thinking about putting a      16 coffee shop up, so she had opened up I guess a bank      17 account and stuff -- a bank account, a business and      18 the whole thing.      19   I didn't have time to come up here to      20 look at stuff all the time, but bottom line is she      21 had plans, things that -- she had irons in the      22 fire, I had one iron in the fire and it died.      23   <b>Q. That potential gas station, what was the</b>      24 <b>name of that? Was it Glacier Travel Stop?</b>      25   A. I don't know if that's the name of it.</p>	<p style="text-align: right;">Page 33</p> <p>1   A. Yes.      2   <b>Q. Why did you put your \$400,000 into</b>      3 <b>Viking's account and not your account?</b>      4   A. Because I had been for months planning to      5 possibly purchase that gas station, by the time I      6 got up there and looked at it and actually had an      7 appointment with them, I went in and got their      8 books and saw how much it was losing, I still      9 considered it because it was such a good deal as      10 far as the property, the property alone was worth      11 what they were doing. But when I saw how much they      12 were losing, how much -- how many hours it would      13 take to turn it around, and one of the key things I      14 saw was it would take \$10,000 to fill their gas      15 tanks, I think I -- I think the price was \$395,000,      16 but I didn't feel like it made sense. I didn't --      17 I didn't want to bite that off, and work 24/7      18 again.      19   <b>Q. When was that that you were looking at</b>      20 <b>the gas station?</b>      21   A. Let me look at the date we actually went      22 there. I had looked at it for months, told all my      23 siblings , talked about it, but had not actually      24 been able to go up there until then. Did I give      25 you the timeline?</p>

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

<p style="text-align: right;">Page 34</p> <p>1     <b>Q. The timeline is on the back of that first 2 one, I think, or the last few pages of that first 3 one.</b></p> <p>4     A. Okay. Okay, so basically -- Okay. So we 5 were there on 7/24 looking for a venue for her 6 daughter's wedding. I actually went and physically 7 saw the gas station for the first time, got the 8 books, and on 7/24 basically I had ruled it out 9 after seeing the books and knowing what it would 10 take to do. So that was the only thing I had been 11 planning on for months, and I just -- I didn't have 12 another plan.</p> <p>13     <b>Q. Okay. And so the plan changed from 14 buying a business in your own name to putting all 15 of the money into an account owned by an LLC that 16 you had no interest in?</b></p> <p>17     A. Correct.</p> <p>18     <b>Q. Why?</b></p> <p>19     A. I think I just explained, I didn't have 20 anything else that I was ready to do, and she had a 21 business set up and she had plans that she'd had 22 for not months, years, and I didn't have any other 23 options.</p> <p>24     <b>Q. Okay. So you gave the money to Viking, 25 what did Viking give to you?</b></p>	<p style="text-align: right;">Page 36</p> <p>1     <b>Q. Okay. So take the gift out of it, you 2 transferred it to Viking?</b></p> <p>3     A. Right.</p> <p>4     <b>Q. And in return, Viking said it would pay 5 off your credit cards?</b></p> <p>6     A. And give me my money back, my 400,000 7 back, yes.</p> <p>8     <b>Q. Okay. Was this agreement in writing 9 anywhere?</b></p> <p>10     A. No, huh-uh.</p> <p>11     <b>Q. Okay. If you had -- you had tens of 12 thousands of dollars in credit card bills; correct?</b></p> <p>13     A. You have that, I assume that's correct, 14 yeah.</p> <p>15     <b>Q. Yes. And you got the \$25,000 cashier's 16 check?</b></p> <p>17     A. Yeah.</p> <p>18     <b>Q. And you used 17,000 of that --</b></p> <p>19     A. Yes.</p> <p>20     <b>Q. -- to pay off a credit card. And you 21 didn't use any of that other money to pay off your 22 credit cards at that time, did you?</b></p> <p>23     A. At that time, no.</p> <p>24     <b>Q. You transferred it to Viking instead?</b></p> <p>25     A. Correct.</p>
<p style="text-align: right;">Page 35</p> <p>1     A. I didn't give it to Viking. Give like in 2 gift it? I transferred it, I believe is the proper 3 word, but I didn't give her anything.</p> <p>4     <b>Q. Okay. So you transferred it --</b></p> <p>5     A. Yes.</p> <p>6     <b>Q. -- into Viking's bank account?</b></p> <p>7     A. Yes.</p> <p>8     <b>Q. Did you have control over Viking's bank 9 account?</b></p> <p>10     A. No.</p> <p>11     <b>Q. So then did you have control over the 12 \$400,000?</b></p> <p>13     A. No.</p> <p>14     <b>Q. Then you gave it to Candy; correct?</b></p> <p>15     A. Not gave, gave is a gift with nothing 16 coming back.</p> <p>17     <b>Q. Okay.</b></p> <p>18     A. We basically had an agreement because I 19 had no income --</p> <p>20     <b>Q. Okay.</b></p> <p>21     A. -- so we basically had an agreement that 22 she would pay my bills, which she started doing 23 almost immediately. She would, as soon as she 24 could, pay off my credit cards, any debt that I 25 have, and then we would go from there.</p>	<p style="text-align: right;">Page 37</p> <p>1     <b>Q. And you could've used it to pay off all 2 those?</b></p> <p>3     A. I could've, yes.</p> <p>4     <b>Q. Okay. But instead you gave it to Viking 5 Investments LLC?</b></p> <p>6     A. Transferred it to Viking Investments LLC.</p> <p>7     <b>Q. Okay. You transferred it to Viking 8 Investments LLC, you got no money in return; 9 correct?</b></p> <p>10     A. I immediately, within days I think, 11 started getting money back. The agreement was she 12 had to pay the bills that we were doing -- the 13 household bills. I had paid all the household 14 bills before, the lease, the water bill, any kind 15 of utilities, she immediately began paying my 16 bills, any credit card bill that came due, lease, 17 rent, whatever, cell phone.</p> <p>18     <b>Q. Here's what I'm struggling with, you had 19 the \$400,000?</b></p> <p>20     A. Right.</p> <p>21     <b>Q. You had debts you owed, but instead of 22 paying those or paying your own bills, you 23 transferred it to somebody else and you then had no 24 control over it; correct?</b></p> <p>25     A. Correct.</p>

<p style="text-align: right;">Page 38</p> <p>1     <b>Q. Okay. At the time you transferred it was 2 the idea in place to buy a home with that money?</b></p> <p>3     A. Not necessarily. I think she had looked 4 at several homes, but we -- I don't think we'd even 5 seen the home that she bought by that date.</p> <p>6     <b>Q. Okay. Do you have a written agreement 7 with Viking that in return for giving them this 8 money, Viking would then pay all of your bills?</b></p> <p>9     A. No, didn't need one, it's my wife.</p> <p>10    <b>Q. Okay. Viking is basically your wife; 11 correct?</b></p> <p>12    A. Yes.</p> <p>13    <b>Q. Candy?</b></p> <p>14    A. Yes.</p> <p>15    <b>Q. Okay. And so once you transferred that 16 \$400,000, you had no more than 1,000 or \$2,000 to 17 your name; correct?</b></p> <p>18    A. Yeah, my truck was paid off, I had a 19 couple of vehicles, but yeah, correct.</p> <p>20    <b>Q. And you had a truck that you have valued 21 in the bankruptcy at 3 or 4 thousand dollars now; 22 correct?</b></p> <p>23    A. Yeah, what, four years later, yeah.</p> <p>24    <b>Q. Yeah. And no other liquid assets?</b></p> <p>25    A. Except for the money she was paying me</p>	<p style="text-align: right;">Page 40</p> <p>1     got a job, I guess.</p> <p>2     <b>Q. Okay. And likewise, if your siblings 3 made a stink about what you did in managing the 4 your father's estate, you had no way of paying any 5 of that money back; correct?</b></p> <p>6     A. If they had made a stink, yeah, but there 7 was no stink. There was nothing but 8 congratulations and thank-yous at this time.</p> <p>9     <b>Q. Okay. I think you talked about this 10 earlier, so I'm going to mark this as Deposition 11 Exhibit Number 2.</b></p> <p>12    <b>EXHIBITS:</b></p> <p>13       (Deposition Exhibit Number 2 marked for 14 identification.)</p> <p>15    A. Thank you.</p> <p>16    <b>Q. (BY MR. GARDNER) Is this the release we 17 were talking about earlier?</b></p> <p>18    A. Yes.</p> <p>19    <b>Q. And I think your testimony was this is 20 the release that you tried to require each of your 21 siblings to sign before they received their money?</b></p> <p>22    A. I don't believe I said that.</p> <p>23    <b>Q. Okay.</b></p> <p>24    A. The attorney in his office did that, I 25 didn't require anything.</p>
<p style="text-align: right;">Page 39</p> <p>1    back, yeah.</p> <p>2    <b>Q. Yeah, so you transferred the \$400,000, 3 you didn't have control over it?</b></p> <p>4    A. Right.</p> <p>5    <b>Q. And you relied on her to give it back to 6 you if you needed it?</b></p> <p>7    A. Yes.</p> <p>8    <b>Q. Okay. And you had no other investments; 9 correct?</b></p> <p>10   A. No.</p> <p>11   <b>Q. And you had no gold, no silver, no money 12 in PayPal or Venmo accounts?</b></p> <p>13   A. No.</p> <p>14   <b>Q. Nothing like that?</b></p> <p>15   A. No.</p> <p>16   <b>Q. So you had no way of paying your living 17 expenses?</b></p> <p>18   A. Of course I did, we show she paid all of 19 my living expenses --</p> <p>20   <b>Q. Okay.</b></p> <p>21   A. -- by agreement.</p> <p>22   <b>Q. Okay. And you had no way, without Candy 23 giving you money back, to pay your credit card 24 debts at that time?</b></p> <p>25   A. No, besides Candy, no, unless I went and</p>	<p style="text-align: right;">Page 41</p> <p>1    <b>Q. Okay. You didn't ask the attorney to 2 prepare this?</b></p> <p>3    A. No.</p> <p>4    <b>Q. You were --</b></p> <p>5    A. No, no, I was quite surprised when I got 6 this the night before because the -- it literally 7 says Accepts such property in full payment and 8 satisfaction, and this was -- they got almost all 9 the money, but it wasn't a complete distribution at 10 that time.</p> <p>11   <b>Q. And you reviewed this the night before?</b></p> <p>12   A. I got it -- yeah, I got it the night 13 before.</p> <p>14   <b>Q. And you didn't tell the attorney to not 15 try to --</b></p> <p>16   A. No, I didn't know the difference. He's 17 an attorney, I'm a layperson, I trusted him, I 18 guess.</p> <p>19   <b>Q. All right. So you said you trusted him, 20 but you looked at this and you knew it was wrong --</b></p> <p>21   A. I looked at it and said I --</p> <p>22   <b>Q. Can you let me finish?</b></p> <p>23   A. Sorry.</p> <p>24   <b>Q. So you looked at it, you knew it was 25 wrong and --</b></p>

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

<p>Page 42</p> <p>1 A. I didn't know it was wrong --</p> <p>2 <b>Q. Well, you knew --</b></p> <p>3 A. -- I just said I wouldn't sign it.</p> <p>4 <b>Q. You just said Accept such property in full payment and satisfaction of the undersigned interest, you knew that wasn't accurate; right?</b></p> <p>5 MR. SHIMANEK: I think he's answered the question, Trent.</p> <p>6 MR. GARDNER: Okay.</p> <p>7 <b>Q. (BY MR. GARDNER) Also under number 4 this includes a statement that it waives any accounting required under the Utah Uniform Probate Code; correct?</b></p> <p>8 A. It does, yes.</p> <p>9 <b>Q. And that is one of the things that your siblings are now complaining about, is that there's been no accounting done for the estate; correct?</b></p> <p>10 A. No, it's been completely done and the taxes have been paid.</p> <p>11 <b>Q. Okay. And number 5, there's a provision that also releases the personal representative of the estate from any and all liability in connection with the undersigned interest in the estate?</b></p> <p>12 A. And that, to me, looked like a standard -- something that you would standardly put</p>	<p>Page 44</p> <p>1 Brenda --</p> <p>2 <b>Q. Okay.</b></p> <p>3 A. -- who lives in Missouri, I believe, and she emailed it back on the 28th, so three of the six.</p> <p>4 <b>Q. Okay.</b></p> <p>5 A. And I didn't sign it, I don't know if I ever needed to sign it. I didn't even get a copy with my name on it, as I recall.</p> <p>6 <b>Q. Did you ask the attorney?</b></p> <p>7 A. No.</p> <p>8 <b>Q. Okay. Did Duffy sign it?</b></p> <p>9 A. No, Duffy -- Duffy was paid I believe the day before, the 26th. He had -- the guy who bought the house of Hugh's, really doing us a favor buying that house, we didn't own it, but my dad was livid that Lois not live in that house and get remarried in the same neighborhood. So Lois's son-in-law lawyer basically turned over to me the showing of the house and we found the guy who was actually a friend of and a landlord of Duffy's who bought the house, okay?</p> <p>10 So Duffy owed him \$20,000, he was hounding him for it. Because of that, I went to the bank the day before, got him his money so he</p>
<p>Page 43</p> <p>1 on there, I would assume.</p> <p>2 <b>Q. Did you ask your attorney if it was standard?</b></p> <p>3 A. No.</p> <p>4 <b>Q. Okay. The personal representative is you; correct?</b></p> <p>5 A. Yes, yes.</p> <p>6 <b>Q. And so this release is releasing any claims against you for what you did with the estate?</b></p> <p>7 A. Right.</p> <p>8 <b>Q. Including if there was something improper for the extra \$75,000 you took?</b></p> <p>9 A. I assume, I don't know. I'm not a lawyer, I don't -- sometimes, as I've seen over the last years, what you believe the law says is not what it means. I don't know.</p> <p>10 <b>Q. Fair enough.</b></p> <p>11 A. All right.</p> <p>12 <b>Q. I've seen that many times in my career.</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. How many of your siblings signed this?</b></p> <p>15 A. So as you can see, this was signed on the 28th, so two sisters signed it in the office, this was emailed to my sister who lives -- this is</p>	<p>Page 45</p> <p>1 could pay that guy, with a promise that he would sign this the next day at the meeting; he didn't show up at the meeting.</p> <p>2 <b>Q. Okay.</b></p> <p>3 A. So this was not ready when Duffy got his money. He promised me it would be the next day and he didn't show up.</p> <p>4 <b>Q. And Kent was at the meeting?</b></p> <p>5 A. Kent was at the meeting.</p> <p>6 <b>Q. And Kent looked at this; correct?</b></p> <p>7 A. Yeah, Kent looked at this talked to the attorney and said, I'll get back to you later, I'm not sure what he talked to the attorney about exactly.</p> <p>8 <b>Q. Did you have any conversation with Kent about any release?</b></p> <p>9 A. Not on that date, no.</p> <p>10 <b>Q. Did you have a conversation with him about it later?</b></p> <p>11 A. Yeah, he said I don't like the taxes of the -- I don't recall exactly because I didn't really care what he said. Basically he went home, cut this off and typed up what he wanted on there. And I didn't care, I wasn't signing it. He just typed it up and did something different. I don't</p>

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

<p style="text-align: right;">Page 46</p> <p>1 know what his conversations were with the attorney, 2 but it -- you know, I just --  <b>3 Q. So within a couple days --</b>          4 A. -- I didn't care.  <b>5 Q. -- Kent went home and typed up something</b>  <b>6 different?</b>          7 A. Yes.  <b>8 Q. And gave that to you; correct?</b>          9 A. Yes.  <b>10 Q. And what he gave you did not include a</b>  <b>11 release of you; correct?</b>          12 A. I don't have a copy of it, so I don't          13 know exactly what it had, I just remember the taxes          14 was the main thing. Because I remember thinking          15 that's not legal anyway, so it doesn't matter. I          16 believed that the beneficiaries would all -- or the          17 trust had to pay the taxes, so the beneficiaries          18 were responsible for that if they got too much          19 money. And I reserved money so I didn't think it          20 was a problem.  <b>21 Q. When you say the beneficiaries have to</b>  <b>22 pay the taxes, explain that to me.</b>          23 A. Okay. For some reason I have been -- I          24 believe I've been told by counsel, I don't know,          25 but any taxes that are estate taxes obviously come</p>	<p style="text-align: right;">Page 48</p> <p>1 <b>Q. This did come from you.</b>          2 A. It did?  <b>3 Q. Yes.</b>          4 A. Okay. So basically what I believe was a          5 \$2500 bill to this attorney, he's claiming it's a          6 \$250,000 bill. And he's saying that -- as you can          7 see, this was issued on July 1st, well, I'd already          8 given Duffy his money, so I -- I believe I answered          9 this myself, didn't even run it through the trust          10 attorney, just filled it out and said I don't have          11 any of Duffy's money, it's already been          12 distributed, and filed it with the court, this          13 court.  <b>14 Q. Okay. So this is that lawsuit you were</b>  <b>15 talking about --</b>          16 A. Yes.  <b>17 Q. -- earlier with the former attorney --</b>          18 A. Yeah.  <b>19 Q. -- suing Duffy?</b>          20 A. Right.  <b>21 Q. And then he brought you into it?</b>          22 A. And then he brought me into it, exactly.  <b>23 Q. So this was an order granting a TRO that</b>  <b>24 was issued on July 1st, 2019; correct?</b>          25 A. Yes.</p>
<p style="text-align: right;">Page 47</p> <p>1 out of the estate and aren't part of the          2 distribution to beneficiaries, so they would be          3 owed and be deducted from the estate before the          4 beneficiaries were divided six ways.  <b>5 Q. Okay. So when the beneficiaries get the</b>  <b>6 distribution, they don't have to pay more taxes on</b>  <b>7 it?</b>          8 A. Yeah, well, it would be the -- it would          9 be the -- if the estate had taxes due, I didn't          10 want to give them more money than we had, and I          11 didn't know what the taxes would be, and that's          12 what I understood.  <b>13 Q. Okay. I'm going to hand you what we'll</b>  <b>14 mark as Exhibit 3.</b>  <b>15 Oh, if you need a break at any time, just</b>  <b>16 let me know.</b>          17 A. Sure.  <b>18 EXHIBITS:</b>          19 (Deposition Exhibit Number 3 marked for          20 identification.)  <b>21 Q. (BY MR. GARDNER) Do you recognize that</b>  <b>22 document?</b>          23 A. Yes, I believe this is a copy of the -- I          24 don't know if this is what I supplied to you,          25 without looking at it directly.</p>	<p style="text-align: right;">Page 49</p> <p>1 <b>Q. And you were aware of this when it was</b>  <b>2 issued, it was brought to your knowledge?</b>          3 A. Yeah, he emailed it directly to me.  <b>4 Q. Okay. And then after that, on July 17 or</b>  <b>5 sometime around there --</b>          6 A. It was 17th, yes.  <b>7 Q. Okay. So I'm handing you what we'll mark</b>  <b>8 as Exhibit 4.</b>          9 A. Right.  <b>10 EXHIBITS:</b>          11 (Deposition Exhibit Number 4 marked for          12 identification.)  <b>13 Q. (BY MR. GARDNER) And this is a copy of a</b>  <b>14 summons out of your file. And that is a summons to</b>  <b>15 you to answer the lawsuit; correct?</b>          16 A. Yes.  <b>17 Q. And so that's 4. And now I'll hand you</b>  <b>18 Exhibit 5.</b>  <b>19 EXHIBITS:</b>          20 (Deposition Exhibit Number 5 marked for          21 identification.)  <b>22 Q. (BY MR. GARDNER) And Exhibit 5 is a copy</b>  <b>23 of a First Amended Complaint --</b>          24 A. Okay.  <b>25 Q. -- adding you as a defendant in that</b></p>

<p>Page 50</p> <p>1 <b>lawsuit; correct?</b>      2 A. Yes.      3 <b>Q. Okay. And this document is dated</b>  <b>4 July 17, the same date as the summons; correct?</b>      5 A. Yeah, yeah.      6 <b>Q. Okay. And if you can turn to page 19,</b>  <b>7 second to the last page. And actually you can just</b>  <b>8 turn to the very last page, if you would, page 21</b>  <b>9 of 21, in paragraph 5 he's asking for a judgment</b>  <b>10 against you of 2.5 --</b>      11 A. 2.55 million, that's pretty good.      12 <b>Q. Yeah, this is on July 17, 2019?</b>      13 A. Yeah.      14 <b>Q. And you've had litigation filed against</b>  <b>15 you seeking over \$2 million; correct?</b>      16 A. Yeah.      17 <b>Q. And at this point you're still in</b>  <b>18 possession of the \$400,000; correct?</b>      19 A. Yeah, uh-huh.      20 <b>Q. Okay. Who came up with the idea of</b>  <b>21 Viking Investments LLC?</b>      22 A. Candy, she's always been a fan of the      23 Minnesota Vikings.      24 <b>Q. Okay. So she came up with the name, who</b>  <b>25 came up with the idea of forming an entity?</b></p>	<p>Page 52</p> <p>1 talked about anything, but she was ready to go with      2 it. In fact she had already -- she had already      3 opened a mailbox, I believe, a couple months before      4 that.      5 <b>Q. In Viking Investments?</b>      6 A. Yes.      7 <b>Q. Viking Investments LLC didn't exist a</b>  <b>8 couple months before that.</b>      9 A. Yeah, I don't know, I thought she had      10 already gotten a post office box or something.      11 <b>Q. Do you know when Viking Investments was</b>  <b>12 created?</b>      13 A. Yeah, I can tell you, I believe it's on      14 here. I believe on July 25th.      15 <b>Q. Okay.</b>      16 A. Or July -- I'm not positive of this, but      17 around the end of July, yeah.      18 <b>Q. Okay.</b>      19 A. And again, we lived in Utah, so she      20 probably did it on a trip when we were up here. Oh      21 yeah, it would be the same day that we were looking      22 at the gas station, yeah, same trip.      23 <b>Q. Okay.</b>      24 A. And scouting a location for her      25 daughter's wedding.</p>
<p>Page 51</p> <p>1 A. She did. She had -- she had -- I don't      2 know what year it was, but she had an entity with      3 her mom called Western Explorer Travel that was an      4 entity filed in Nevada, I believe, with her mother,      5 she was going to do a travel company. And she just      6 always wanted to get into business because the job      7 she's in I guess is -- you know, she'd rather be      8 doing something on her own, I guess, so she's      9 always been trying to hustle to do a different      10 business, I guess.      11 <b>Q. Okay. So the idea to form Viking</b>  <b>12 Investments LLC was Candy's and it wasn't your?</b>      13 A. No.      14 <b>Q. Did you have any involvement in the</b>  <b>15 formation of Viking Investments LLC?</b>      16 A. I don't know. I had researched it in      17 Montana because of the gas station, so I don't know      18 if I advised her on anything, but I don't think I      19 needed to. I think she'd had an LLC before, I      20 think she knew everything she needed to do.      21 <b>Q. What was the other LLC she had?</b>      22 A. Western Explorer Travel in Nevada.      23 <b>Q. Okay. So you weren't involved in putting</b>  <b>24 the LLC together or filing the documents?</b>      25 A. No, like I said, I don't recall if we</p>	<p>Page 53</p> <p>1 <b>Q. Okay. And your testimony is the</b>  <b>2 formation of Viking Investments had nothing to do</b>  <b>3 with wanting to buy a house?</b>      4 A. No, we -- that was a possibility of      5 something she was looking at, but we had no plan to      6 do anything on that date. I mean, she had multiple      7 options she was pursuing. And I had one, and it      8 fell through.      9 <b>Q. Why aren't you a member of Viking</b>  <b>10 Investments LLC?</b>      11 A. I guess I didn't want to be associated, I      12 just wanted the money back. We've always been kind      13 of independent, all her -- the only account we ever      14 had joint, I believe, is that one that became      15 un-joint when we got married. And she's always      16 been independent.      17 <b>Q. Okay. So you wanted Viking Investments</b>  <b>18 to be completely separate from you?</b>      19 A. No, I didn't say that.      20 <b>Q. You didn't want to be a part of it, a</b>  <b>21 member; correct?</b>      22 A. I didn't have a desire to be a part of it      23 or not be a part of it, she just did it on her own.      24 <b>Q. Okay. Do you remember whether you</b>  <b>25 prepared any of the formation documents for Viking</b></p>

<p style="text-align: right;">Page 54</p> <p><b>1 Investments?</b></p> <p>2 A. I don't believe so. I don't recall. I 3 mean, I think it's all online, so I don't --</p> <p><b>4 Q. Okay. Were you involved in the purchase 5 of the property at 11423 Spotted Fawn Lane?</b></p> <p>6 A. I went with her to look at it, but that's 7 about all I can recall. I don't believe so. I 8 don't recall anything other than going to look at 9 it.</p> <p><b>10 Q. Did you have any conversations with her 11 about it?</b></p> <p>12 A. Yeah, yeah, we talked about it. I don't 13 remember the figure they were originally asking for 14 it, but I thought that's all of the money that 15 you've got to do something with. And we thought we 16 could do a quick flip. It mostly -- it was the 17 property, I mean, it's 10 acres. I mean, we talked 18 about it, but I don't think I was particularly for 19 it, I thought it was too high priced.</p> <p><b>20 Q. Did you have any other place to live in 21 Montana?</b></p> <p>22 A. No, huh-uh, but we had still six 23 months -- well, nine months on a lease in Utah.</p> <p><b>24 Q. Okay. So it wasn't your decision whether 25 or not to purchase the home at Spotted Fawn?</b></p>	<p style="text-align: right;">Page 56</p> <p><b>1 Investments LLC has ever been involved in any other 2 businesses or done anything else besides buying 3 that house?</b></p> <p>4 A. Yes, when the -- she also, I believe, 5 wants to be in the consulting business, which what 6 she does right now is mortgage payroll and such, so 7 I think she's -- her job is precarious. And at the 8 time we didn't know what it would be with the 9 mortgage business, obviously half of her company's 10 been laid off, so she's always been ready to do 11 something else.</p> <p><b>12 Q. Okay. That wasn't my question.</b></p> <p><b>13 In the past, other than buying the 14 house --</b></p> <p>15 A. Uh-huh.</p> <p><b>16 Q. -- and paying some of your bills, Viking 17 Investments LLC has never done anything else; 18 correct?</b></p> <p>19 A. I don't believe so. I don't know that 20 she -- I guess I wouldn't know for sure, it's her 21 business.</p> <p><b>22 Q. Okay. A few months after the purchase, 23 the home was transferred to Candy individually, 24 were you a part of that?</b></p> <p>25 A. Was I a part of it? No, it's her house,</p>
<p style="text-align: right;">Page 55</p> <p>1 A. No, huh-uh.</p> <p><b>2 Q. And you live in that home now; correct?</b></p> <p>3 A. Yes.</p> <p><b>4 Q. And you've lived there ever since you 5 moved to Montana?</b></p> <p>6 A. Yes.</p> <p><b>7 Q. Okay. How was that home at Spotted Fawn 8 purchased?</b></p> <p>9 A. How was it purchased?</p> <p><b>10 Q. Yes, was cash used? Was it financed?</b></p> <p>11 A. I don't believe they'll accept cash at 12 the place.</p> <p><b>13 Q. When I say cash, I mean did Viking 14 Investments LLC pay for it right there or did it 15 finance it? Did it obtain a loan?</b></p> <p>16 A. Oh, I believe she paid for it, yeah, I'm 17 sorry, cash/check, I believe it was a check.</p> <p><b>18 Q. So Viking Investments LLC paid for it and 19 it paid for it with the money that you had 20 transferred to Viking Investments LLC a month or 21 two before; correct?</b></p> <p>22 A. If -- yes, if you look at it like that, I 23 guess. I transferred the money to her and she did 24 what she wanted with it.</p> <p><b>25 Q. Okay. Do you know whether Viking</b></p>	<p style="text-align: right;">Page 57</p> <p>1 her business.</p> <p><b>2 Q. Did you have knowledge it was being 3 transferred to her individually?</b></p> <p>4 A. Yes, she wanted to pay off my credit 5 cards, as agreed. And I think at that time she 6 also had gotten into the house a little more and 7 realized that we needed more money to put into it. 8 When we looked at it we thought it was a 9 carpet-and-paint kind of thing, but it turns out 10 the floor covering was rotten underneath. And the 11 biggest problems is it had -- it had been -- the 12 guy who was there was elderly and died, and there 13 were animals in the house and it took me -- me and 14 her probably months to get the smell out of it, 15 replacing floorboards and baseboard and ripping 16 stuff apart and chemically getting the smell out.</p> <p><b>17 Q. Do you have personal knowledge of what 18 Candy did with the money that she got out of when 19 she put the mortgage on the property or am I better 20 asking Candy that?</b></p> <p>21 A. You're probably better asking Candy. I 22 have an idea, but Candy is very detail oriented and 23 has all of that. I was just making sure my bills 24 got paid and I had lights, I guess.</p> <p><b>25 Q. I might have asked you this already, but</b></p>

<p style="text-align: right;">Page 58</p> <p><b>1 did you have access to Viking's bank accounts?</b></p> <p>2 A. No.</p> <p><b>3 Q. Do you have access to any of Candy's bank</b></p> <p><b>4 accounts?</b></p> <p>5 A. No.</p> <p>6 MR. GARDNER: We've been going about an hour, let's take a break.</p> <p>8 THE WITNESS: Okay.</p> <p>9 (Whereupon, the proceedings were in recess at 2:04 p.m. and subsequently reconvened at 2:26 p.m., and the following proceedings were entered of record:)</p> <p>13 EXHIBITS:</p> <p>14 (Deposition Exhibit Number 6 marked for identification.)</p> <p><b>16 Q. (BY MR. GARDNER) Mr. Williams, we're back on the record.</b></p> <p>18 A. Thank you.</p> <p><b>19 Q. I'm going to hand you what we'll mark as Deposition Exhibit 6.</b></p> <p>21 A. All right.</p> <p><b>22 Q. And that is a copy of one of the documents you brought today; correct?</b></p> <p>24 A. Yes, okay, uh-huh.</p> <p><b>25 Q. And that is a list of various payments</b></p>	<p style="text-align: right;">Page 60</p> <p>1 A. Yes.</p> <p>2 <b>Q. And that's the estate that you were the PR for; correct?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. Okay. If you look at the first page of that there's a deposit credit of 2,134,000-and-some-dollars; do you see that?</b></p> <p>8 A. Yes, uh-huh.</p> <p>9 <b>Q. Was that the payment in from the sale of the property?</b></p> <p>11 A. Yeah, that was the proceeds from the property sale.</p> <p>13 <b>Q. And then out of those funds, that's where the funds were distributed to your siblings?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. And if you look on the very last page, at the bottom left it looks like there's a check to Duffy Williams for --</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. -- 350,000?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. And that's his distribution; correct?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. And then on the top right there's a checking account withdrawal sheet --</b></p>
<p style="text-align: right;">Page 59</p> <p><b>1 and a timeline at the end; correct?</b></p> <p>2 A. Yes.</p> <p><b>3 Q. Who prepared this?</b></p> <p>4 A. Candy Williams.</p> <p><b>5 Q. Did you have any involvement in preparing it?</b></p> <p>7 A. I probably gave her some dates from out of my cell phone or something like that or whatever I had, but I believe she did the rest. I think she had all the information to do that because she was making the payments, so she had a record of it.</p> <p><b>12 Q. Okay. You can just put that one in the pile so that you don't walk off with that one, you've got your original copy there.</b></p> <p>15 A. Uh-huh.</p> <p><b>16 Q. I'm going to hand you what we'll mark as Exhibit 7.</b></p> <p>18 A. Okay.</p> <p>19 EXHIBITS:</p> <p>20 (Deposition Exhibit Number 7 marked for identification.)</p> <p><b>22 Q. (BY MR. GARDNER) And that is a Zions Bank statement for the Hugh L. Williams Family Trust, that's the bank account for your dad's trust?</b></p>	<p style="text-align: right;">Page 61</p> <p>1 A. Yeah.</p> <p>2 <b>Q. -- or document that's Zions Bank, Scott Williams, 1,052,000-some-dollars; do you see that?</b></p> <p>4 A. Yes, uh-huh.</p> <p>5 <b>Q. So is that the type of form they do when you do a cashier's check?</b></p> <p>7 A. I don't know. Yeah, I don't know. I guess what they did is that would be four cashier's checks for four of the siblings should add up to that amount, and that's I guess what they did.</p> <p><b>11 Q. Three?</b></p> <p>12 A. Three of the siblings, right. I believe it's -- oh, yeah, it would be three, you're correct, you're correct.</p> <p><b>15 Q. Okay.</b></p> <p>16 A. Yeah, Brenda's was wired, yeah.</p> <p><b>17 Q. Okay. So that would be the three of them and those three siblings you got cashier's checks from Zions Bank --</b></p> <p>20 A. Right.</p> <p><b>21 Q. -- and gave those to your siblings; correct?</b></p> <p>23 A. Yes, uh-huh.</p> <p><b>24 Q. Okay. I'm going to hand you what we'll mark as Deposition Exhibit 8.</b></p>

<p style="text-align: right;">Page 62</p> <p><b>1 EXHIBITS:</b></p> <p>2 (Deposition Exhibit Number 8 marked for 3 identification.)</p> <p>4 <b>Q. (BY MR. GARDNER) And that is a bank 5 statement from the same bank account for the 6 following month, June to July of 2019; correct?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. Okay. And if you turn to the last page 9 there's a -- one of those similar checking account 10 withdrawal slips for \$426,753.71; correct?</b></p> <p>11 A. Yes.</p> <p>12 <b>Q. And that's the money you took out on 13 July 1, 2019 in two cashier's checks?</b></p> <p>14 A. I believe it's one cashier's check still.</p> <p>15 <b>Q. Oh, okay.</b></p> <p>16 A. Okay, I believe it is. I'm not positive, 17 but I think I -- I think I took this check home and 18 then -- and I might be wrong, I don't know.</p> <p>19 <b>Q. That's why we're going through the 20 documents --</b></p> <p>21 A. Okay, yeah.</p> <p>22 <b>Q. -- so that neither of us makes a mistake.</b></p> <p>23 A. Okay. I guess we -- yeah, I don't know.</p> <p>24 <b>Q. So I have documents from you from Zions 25 Bank pertaining to these, and then I also</b></p>	<p style="text-align: right;">Page 64</p> <p><b>1 first time you got the funds --</b></p> <p>2 A. Yes, so --</p> <p>3 <b>Q. -- directly -- directly from the Hugh --</b></p> <p>4 A. Yes, I distributed to myself on July 1st, 5 correct.</p> <p>6 <b>Q. Now I'm going to hand you what we'll mark 7 as Deposition Exhibit 10.</b></p> <p>8 <b>EXHIBITS:</b></p> <p>9 (Deposition Exhibit Number 10 marked for 10 identification.)</p> <p>11 <b>Q. (BY MR. GARDNER) And these are the 12 documents that we got directly from Zions Bank.</b></p> <p>13 A. Okay.</p> <p>14 <b>Q. And so I think this will give us the 15 complete process. And the first page looks like a 16 withdrawal on -- checking account withdrawal on 17 7/1/19 for \$426,753.71, and that matches up with 18 the amount we just looked at on the Hugh Williams 19 Trust account; correct?</b></p> <p>20 A. Correct.</p> <p>21 <b>Q. Now, these are somewhat out of order, I 22 should've put these in a better order. So if you 23 go back to the fourth page there is a cashier's 24 check to you from the Hugh Williams Family Trust 25 for 25,000; correct?</b></p>
<p style="text-align: right;">Page 63</p> <p><b>1 subpoenaed Zions Bank for the actual copies so 2 we'll have the actual copies --</b></p> <p>3 A. Okay.</p> <p>4 <b>Q. -- so we have the actual copies. 5 I'm going to hand you what we'll mark as 6 9.</b></p> <p>7 <b>EXHIBITS:</b></p> <p>8 (Deposition Exhibit Number 9 marked for 9 identification.)</p> <p>10 A. Oh, it was the 1st, okay.</p> <p>11 <b>Q. (BY MR. GARDNER) And so this is a photo 12 of a document you produced; correct?</b></p> <p>13 A. This one? Yes.</p> <p>14 <b>Q. Okay. And that shows two cashier's 15 checks on July --</b></p> <p>16 A. You're correct, yes.</p> <p>17 <b>Q. -- July 1, 2019 to Scott Williams from 18 the Hugh L. Williams Family Trust; correct?</b></p> <p>19 A. Correct.</p> <p>20 <b>Q. And one is \$25,000 and one is 21 \$401,747.71 --</b></p> <p>22 A. Okay.</p> <p>23 <b>Q. -- right?</b></p> <p>24 A. Yes, uh-huh.</p> <p>25 <b>Q. Okay. And so that -- that would be the</b></p>	<p style="text-align: right;">Page 65</p> <p>1 A. Yes.</p> <p>2 <b>Q. Okay. And that went -- that is the check 3 you got on July 1st that went to the U.S. Bank --</b></p> <p>4 A. Correct.</p> <p>5 <b>Q. -- checking account?</b></p> <p>6 <b>Q. Okay. And then if you go back a couple 7 more pages, there's another cashier's check from 8 the trust to you for \$401,747.71; correct?</b></p> <p>9 A. Yes.</p> <p>10 <b>Q. And that's on July 1?</b></p> <p>11 A. Right.</p> <p>12 <b>Q. And that's the check you testified you 13 took home?</b></p> <p>14 A. I took home and put in the -- yes.</p> <p>15 <b>Q. And did nothing with it for some time?</b></p> <p>16 A. Right, right.</p> <p>17 <b>Q. Okay. Then if you turn to the very last 18 page there's another copy of that check, and 19 there's a stamp on it that says Not Used For 20 Purpose Intended. Is your understanding that 21 that's because you brought that actual check back 22 in to the bank?</b></p> <p>23 A. Right, exactly.</p> <p>24 <b>Q. Okay. And you brought that actual check 25 back in to the bank on August 2nd of 2019, if you</b></p>

Page 66

Page 68

**1 turn back to the second page of this Exhibit 10?**

2 A. Yeah, correct.

3 **Q. Okay.**4 A. Yes, I thought it was the 3rd, but it was  
5 in fact the 2nd.6 **Q. So on August 2nd you brought that**  
7 **\$401,000 check to you back to the bank and**  
8 **essentially traded it to them for a check to Viking**  
9 **Investments LLC for \$400,000; correct?**

10 A. Plus apparently some cash, correct.

11 **Q. Yeah, so the extra \$1100 you took out**  
12 **in --**

13 A. Mystery solved, yeah.

14 **Q. Okay, all right. And so other than that**  
15 **25,000, none of these funds ever went into any of**  
16 **your actual bank accounts, they were just in the**  
17 **form --**

18 A. Right.

19 **Q. -- of a cashier's check?**

20 A. Right.

21 **Q. Okay. I'd like to hand you what we'll**  
22 **mark as Deposition Exhibit 11.****EXHIBITS:**24 (Deposition Exhibit Number 11 marked for  
25 identification.)

1 El Monte RV that we talked about earlier, the  
2 motorhome rental business, both of them considered  
3 taking that business, I had no interest in either  
4 of them. And both of them asked questions about,  
5 you know, the income that came from them, the  
6 people's names. I gave them contact information on  
7 how to get ahold of El Monte, I gave them the  
8 contacts of the people in the storage unit, and I  
9 guess whatever information I had about those two  
10 businesses.

11 **Q. Okay. Did they ever take any action**  
12 **trying to get those interests?**

13 A. Kent called El Monte, El Monte called me  
14 back and said we would never do business with that  
15 asshole, okay? {Laughter.} Duffy, I don't know  
16 whether --

17 **Q. Is that a direct quote?**

18 A. That's a direct quote.

19 Duffy -- Duffy, I know he tried to lease  
20 land nearby to -- Okay, let me rephrase that. I  
21 don't know if he tried to, this is what he told me,  
22 that he was trying to lease land a few miles down  
23 the road and take the storage customers and start a  
24 storage business down there.

25 Kent did the same thing. Kent told me he

Page 67

Page 69

1 **Q. (BY MR. GARDNER) And Deposition**  
2 **Exhibit 11 is titled Exhibit A, and we received**  
3 **that when you responded to our subpoena back in**  
4 **June, do you recall that?**

5 A. Yes, uh-huh.

6 **Q. Did you prepare this document?**

7 A. Yes, uh-huh.

8 **Q. Okay. I just wanted to confirm what it**  
9 **was and who prepared it. And let me see if I had**  
10 **any questions on it.**

11 **On h. on that document --**

12 A. Okay.

13 **Q. -- you say Beneficiaries Kent and Duffy**  
14 **Williams were attempting to assume part of Hugh's**  
15 **business interests for themselves.**

16 A. Yes.

17 **Q. Tell me about that.**

18 A. Okay. So there were two things that they  
19 were after, Hugh had a storage yard where items  
20 were stored, both of them, Kent and Duffy both,  
21 were attempting to take those storage customers and  
22 move them to their own properties or obtain  
23 properties or lease property and take over the  
24 storage customers.

25 Okay. Then the other thing was the

1 was trying to buy property to do this, but I found  
2 out later that they were both trying to lease the  
3 same land. So Kent had told me that he was -- had  
4 these big multimillion-dollar property deals  
5 waiting for me to tell him, you know, what kind of  
6 income and names and people and whatever. I later  
7 found out they were both after the same piece of  
8 open land to store on.

9 And it got to the point where that's the  
10 one fight Kent and I had is he kept asking for  
11 information. I had extended the El Monte for I  
12 think two months while he was trying to figure out  
13 if he would work out something to take that. And I  
14 was busy as could be by myself in May and June in  
15 the El Monte motorhome rental business, and I  
16 finally had to tell him go to hell, I'm not here to  
17 set you up in business, I'm here to, you know, do  
18 what's best for the trust, and it's not help you  
19 out in business, so that's where it went to.

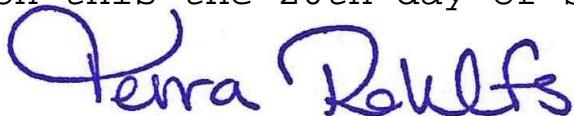
20 MR. GARDNER: Let's go off the record for  
21 a minute.

22 (Discussion held off the record.)

23 MR. GARDNER: Let's go back on the  
24 record.

25 I'm going to hand you what we'll mark as

<p style="text-align: right;">Page 70</p> <p>1 Exhibit 12.      2 EXHIBITS:      3 (Deposition Exhibit Number 12 marked for      4 identification.)  <b>5 Q. (BY MR. GARDNER) And that is another      6 bank statement from that U.S. Bank account we      7 talked about earlier; correct?</b>  <b>8 A. Yes.</b>  <b>9 Q. Okay. And that statement's from July      10 through August of 2019; correct?</b>  <b>11 A. Uh-huh.</b>  <b>12 Q. And other than this bank account at that      13 time, the only other bank account was a savings      14 account?</b>  <b>15 A. Attached to this, yes.</b>  <b>16 Q. At U.S. Bank that had 100 bucks in it?</b>  <b>17 A. It had \$100 in it for years.</b>  <b>18 Q. Okay. So the ending balance on      19 August 16th of 2018 was 1800 bucks; correct? If      20 you look on the first page --</b>  <b>21 A. First page.</b>  <b>22 Q. -- there's an ending balance.</b>  <b>23 A. Okay, yeah, 1,809.23, correct.</b>  <b>24 Q. Okay. Now, on July 24 it says there was      25 an ATM deposit of \$4,000.</b></p>	<p style="text-align: right;">Page 72</p> <p>1 CERTIFICATE OF WITNESS      2      3 PAGE LINE      4      5      6      7      8      9  <b>10 I hereby certify that this is a true and      11 correct copy of my testimony, together with any      12 changes I have made on this and any subsequent      13 pages attached hereto.</b>  <b>14</b>  <b>15 Dated on this the _____ day of _____, 2023.</b>  <b>16</b>  <b>17 SCOTT WILLIAMS, Deponent.</b>      18      19      20      21      22      23      24      25</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Uh-huh.  <b>2 Q. Do you know what was that?</b>      3 A. Yeah, that was a check from my brother      4 Duffy, paying me back for money I loaned him a year      5 or two before.  <b>6 Q. Okay. And other than that and it looks      7 like a \$200 return for fraud, you had no other      8 money going into your account; correct?</b>      9 A. Yeah.      10 MR. GARDNER: I don't have any more      11 questions, Mr. Williams. Thank you.      12 MR. SHIMANEK: Okay, thank you.      13 MR. MURPHY: I don't have any questions.      14 MR. SHIMANEK: I'm not going to have any      15 redirect on that, either.      16 (Deposition concluded at 2:46 p.m.      17 Witness excused, signature reserved.)      * * *</p>	

1 C E R T I F I C A T E  
23 STATE OF Montana )  
4 County of Missoula ) : ss.5 I, Terra Rohlf, RPR, Freelance Court  
6 Reporter and Notary Public for the State of  
Montana, residing in Hamilton, Montana, do hereby  
certify:7 That I was duly authorized to swear in  
8 the witness and did report the deposition of SCOTT  
WILLIAMS in this cause;9 That the reading and signing of the  
10 deposition by the witness have been expressly  
reserved;11 That the foregoing pages of this  
12 deposition constitute a true and accurate  
transcription of my stenotype notes of the  
13 testimony of said witness.14 I further certify that I am not an  
attorney nor counsel of any of the parties; nor a  
relative or employee of any attorney or counsel  
connected with the action, nor financially  
interested in the action.17 IN WITNESS WHEREOF, I have hereunto set  
my hand and seal on this the 20th day of September, 2023.  
1820 Terra Rohlf, RPR,  
21 Freelance Court Reporter  
22 Notary Public, State of Montana  
Residing in Hamilton, Montana  
23 My Commission expires: 11/4/23

24

25

IN RE: WILLIAMS, DEBTOR

9/14/2023

**SCOTT WILLIAMS**

1 September 20th, 2023

2 Edward "Rusty" A. Murphy, Esq.  
3 Murphy Law Offices, PLLC  
4 127 North Higgins, Suite 310  
Central Square Building  
Missoula, Montana 59802

5

6 Re: IN RE: SCOTT K. WILLIAMS, DEBTOR  
Deposition of SCOTT WILLIAMS

7

Dear Counsel,

8

Please find attached your copy of the deposition  
mentioned above. I have also attached a  
"CORRECTIONS TO DEPOSITION" page following this  
page. Have the deponent read and sign the  
deposition, noting any corrections on the page  
provided, and have it sent back to me.

You have 30 days to accomplish reading. After that  
we will note on the release letter that the witness  
has waived the right to read the deposition, and we  
will deliver the Original to the ordering party.

If you have any questions, please feel free to give  
me a call.

Sincerely,

JEFFRIES COURT REPORTING, INC.

18

Rona Chenoweth, Office Manager

20

21 cc: Trent M. Gardner, Esq.  
22 Hannah S. Willstein, Esq.

23

Attachment

25

**JEFFRIES COURT REPORTING, INC.**

9:23-ap-09001-BPH Doc# 69-58 Filed 11/15/23 Page 21 of 32

IN RE: WILLIAMS, DEBTOR

9/14/2023

**SCOTT WILLIAMS**

1 Trent M. Gardner, Esq.  
Hannah S. Willstein, Esq.  
2 Goetz, Geddes & Gardner, P.C.  
The Ketterer Building, 35 North Grand  
3 P.O. Box 6580  
Bozeman, Montana 59771-6580

4

5 Re: IN RE: SCOTT K. WILLIAMS, DEBTOR

6

7 PLEASE ATTACH TO YOUR COPY OF THE DEPOSITION OF:  
8 SCOTT WILLIAMS  
9 THURSDAY, SEPTEMBER 14, 202310 Please find enclosed the Original  
deposition in the above-named case. It has been  
11 read and signed. We are now delivering it to you  
since you were the ordering party.

12

13 \_\_\_\_\_ The time for reading and signing has passed,  
and we are delivering the Original to you since you  
14 were the ordering party.

15

16 Rona Chenoweth, Office Manager

17 Date: \_\_\_\_\_

18

19 cc: Edward "Rusty" A. Murphy, Esq.

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**JEFFRIES COURT REPORTING, INC.**

(406) 731-1143

9:23-ap-09001-BPH Doc# 69-58 Filed 11/15/23 Page 22 of 32

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

A	agreed 4:9, 4:14 4:21, 57:5 agreement 10:20 10:22, 11:19, 35:18 35:21, 36:8, 37:11 38:6, 39:21 ahold 68:7 Amended 3:15 49:23 American 9:25 27:20, 28:5, 28:5 28:6 Amex 28:4 amount 7:6, 7:7 22:20, 23:1, 23:2 23:3, 24:1, 24:4 24:16, 26:24, 61:10 64:18 amounts 22:4 animals 57:13 answer 5:23, 19:2 49:15 answered 12:14 12:14, 42:7, 48:8 answers 3:21, 5:25 anyway 46:15 apart 57:16 apartments 10:21 apparently 66:10 appearing 2:7, 2:13 2:18, 2:20 appointment 33:7 appraisal 17:21 approximately 21:22 arbitration 9:11 12:19, 12:21, 12:25 13:3 asked 57:25, 68:4 asking 19:2, 50:9 54:13, 57:20, 57:21 69:10 asset 27:1 assets 18:3, 38:24 asshole 68:15 associated 2:6 53:11 assume 17:2, 18:6 20:14, 30:15, 36:13 43:1, 43:14, 67:14	assumed 7:14 ATM 70:25 ATTACH 75:7 attached 70:15 72:13, 74:8, 74:9 Attachment 74:24 attempting 67:14 67:21 attorney 6:14, 7:5 7:9, 12:15, 12:16 17:18, 17:24, 17:24 40:24, 41:1, 41:14 41:17, 43:2, 44:10 45:12, 45:13, 46:1 48:5, 48:10, 48:17 73:14, 73:15 attorney's 10:6 August 23:15 23:17, 30:11, 30:23 65:25, 66:6, 70:10 70:19 authorized 73:7 automatically 17:3 Avenue 1:23 aware 16:18, 16:24 21:15, 49:1	29:9, 30:11, 31:16 31:17, 35:6, 35:8 44:25, 58:1, 58:3 59:23, 59:24, 61:2 61:19, 62:4, 62:5 62:25, 63:1, 64:12 65:3, 65:22, 65:25 66:7, 66:16, 70:6 70:6, 70:12, 70:13 70:16 bankruptcy 1:1 5:16, 13:2, 15:2 15:5, 15:13, 38:21 baseboard 57:15 based 13:15 basically 10:5 10:17, 15:22, 28:1 34:4, 34:8, 35:18 35:21, 38:10, 44:19 45:22, 48:4 began 37:15 behalf 2:7, 2:13 2:18, 14:8 believe 8:23, 9:2 9:24, 10:7, 10:10 13:4, 14:20, 15:17 18:17, 19:7, 21:17 22:2, 23:13, 24:17 25:5, 25:11, 25:21 25:22, 27:9, 27:19 30:11, 30:22, 30:24 30:25, 31:5, 32:13 35:2, 40:22, 43:16 44:3, 44:13, 46:24 47:23, 48:4, 48:8 51:4, 52:3, 52:13 52:14, 53:14, 54:2 54:7, 55:11, 55:16 55:17, 56:4, 56:19 59:9, 61:12, 62:14 62:16 balance 70:18 70:22 bank 3:8, 3:17, 3:18 3:19, 3:20, 3:22 24:6, 25:15, 25:20 25:23, 26:1, 26:5 26:10, 26:12, 26:15 26:23, 27:8, 27:12 28:15, 29:6, 29:8	57:21, 64:22 big 69:4 Bigfork 5:13, 32:6 biggest 57:11 bill 27:20, 37:14 37:16, 48:5, 48:6 bills 25:16, 27:21 28:1, 28:2, 35:22 36:12, 37:12, 37:13 37:14, 37:16, 37:22 38:8, 56:16, 57:23 bit 7:23 bite 33:17 books 33:8, 34:8 34:9 bottom 31:20 60:17 bought 19:7, 22:24 38:5, 44:14, 44:21 box 2:5, 52:10 75:3 Bozeman 2:5, 75:3 break 14:24, 47:15 58:7 Brenda 3:9, 22:17 44:1 Brenda's 61:16 briefly 7:21, 17:10 17:12 broke 25:13, 25:17 brother 6:9, 6:23 6:24, 9:9, 71:3 brothers 10:16 brought 48:21 48:22, 49:2, 58:23 65:21, 65:24, 66:6 bucks 70:16, 70:19 build 10:21, 19:8 Building 2:4, 74:4 75:2 business 6:12, 8:6 8:7, 10:18, 31:17 34:14, 34:21, 51:6 51:10, 56:5, 56:9 56:21, 57:1, 67:15 68:2, 68:3, 68:14 68:24, 69:15, 69:17 69:19 businesses 56:2 68:10
B				

JEFFRIES COURT REPORTING, INC.

9:23-ap-09001-BPH Doc# 69-58 Filed 11/15/23 Page 23 of 32

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

busy 69:14 buy 31:14, 38:2 53:3, 69:1 buying 34:14 44:15, 56:2, 56:13	Code 42:13 coffee 31:13, 31:16 32:3, 32:14 college 7:23 Columbia 21:13 21:17, 32:8, 32:10 32:11 come 13:9, 23:24 31:19, 46:25, 48:1 comes 32:6 coming 35:16 Commission 73:22 companies 6:16 company 6:16 15:21, 32:3, 51:5 company's 56:9 complained 16:17 complaining 42:16 Complaint 3:15 49:23 complaints 16:15 complete 41:9 64:15 completely 42:18 53:18 concerned 26:11 concluded 71:16 confirm 67:8 congratulations 40:8 connected 73:15 connection 42:22 considered 23:9 33:9, 68:2 checks 3:20, 24:10 constitute 73:12 consulting 56:5 contact 68:6 contacts 68:8 contiguous 17:5 control 35:8, 35:11 37:24, 39:3 conversation 45:15 45:18 conversations 46:1 54:10 copies 14:5, 14:6 14:24, 25:12, 63:1 63:2, 63:4 closed 10:18, 16:12 16:16, 16:19 closing 18:1	49:22, 58:22, 59:14 65:18, 72:11, 74:8 75:7 correct 13:2, 16:9 26:2, 28:16, 28:19 28:20, 29:5, 29:7 29:22, 32:25, 34:17 35:14, 36:12, 36:13 36:25, 37:9, 37:24 37:25, 38:11, 38:17 38:19, 38:22, 39:9 40:5, 42:13, 42:17 43:6, 45:10, 46:8 46:11, 48:24, 49:15 50:1, 50:4, 50:15 50:18, 53:21, 55:2 55:21, 56:18, 58:23 59:1, 60:3, 60:22 61:14, 61:14, 61:22 62:6, 62:10, 63:12 63:16, 63:18, 63:19 64:5, 64:19, 64:20 64:25, 65:4, 65:8 66:2, 66:9, 66:10 70:7, 70:10, 70:19 70:23, 71:8, 72:11 corrections 74:9 74:10 Cottonwood 18:8 could've 30:18 37:1, 37:3 counsel 4:3, 4:10 4:15, 4:22, 13:6 46:24, 73:14, 73:15 74:7 County 73:4 couple 5:20, 6:6 16:21, 27:4, 38:19 46:3, 52:3, 52:8 65:6 course 39:18 court 1:1, 1:23 1:24, 3:24, 4:5 18:23, 19:1, 27:23 27:25, 48:12, 48:13 73:5, 73:20, 74:17 covering 16:4 57:10 created 52:12 46:12, 47:23, 49:13 credit 27:21, 28:22	35:24, 36:5, 36:12 36:20, 36:22, 37:16 39:23, 57:4, 60:6 current 14:22 currently 7:24 customers 67:21 67:24, 68:23 cut 45:23
C			D

JEFFRIES COURT REPORTING, INC.

9:23-ap-09001-BPH Doc# 69-56 Filed 11/15/23 Page 24 of 32

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

74:10 deposed 6:3, 6:7 6:18, 9:10 deposit 26:1, 26:10 28:24, 60:6, 70:25 deposited 25:15 depositing 26:5 deposition 3:7, 3:8 3:10, 3:13, 3:14 3:16, 3:17, 3:18 3:19, 3:20, 3:21 3:22, 4:4, 4:11 4:19, 4:24, 13:12 28:12, 40:10, 40:13 47:19, 49:11, 49:20 58:14, 58:20, 59:20 61:25, 62:2, 63:8 64:7, 64:9, 66:22 66:24, 67:1, 70:3 71:16, 73:8, 73:10 73:12, 74:6, 74:8 74:9, 74:10, 74:13 75:7, 75:10 Deposits/Credits 28:22 describe 17:12 25:18 desire 53:22 detail 57:22 development 10:21 died 8:14, 9:20 16:6, 17:4, 31:9 31:22, 57:12 difference 14:21 30:15, 30:25, 41:16 different 6:24, 7:7 7:8, 29:16, 45:25 46:6, 51:9 direct 68:17, 68:18 directly 47:25, 49:3 64:3, 64:3, 64:12 disbursement 11:2 discovered 19:9 discovery 14:18 discussion 21:10 69:22 dispute 11:13 dissension 23:5 distributed 48:12 60:14, 64:4	distribution 11:7 41:9, 47:2, 47:6 60:22 DISTRICT 1:1 disturbance 21:10 divide 21:23 divided 17:19, 23:3 47:4 divorce 17:15 document 13:19 14:17, 47:22, 50:3 61:2, 63:12, 67:6 67:11 documents 3:21 51:24, 53:25, 58:23 62:20, 62:24, 64:12 doing 14:1, 31:13 33:11, 35:22, 37:12 44:15, 51:8 dollars 36:12, 38:21 draw 26:15 driving 6:12 due 37:16, 47:9 Duffy 6:24, 7:2, 7:5 7:10, 7:10, 7:13 22:18, 23:1, 44:12 44:13, 44:13, 44:23 45:5, 48:8, 48:19 60:18, 67:13, 67:20 68:15, 68:19, 68:19 71:4 Duffy's 44:21 48:11 duly 5:4, 73:7	69:15 elderly 57:12 else's 15:23 emailed 43:25, 44:4 49:3 Emergency 3:11 employed 7:24, 8:1 8:3, 8:5, 8:19 employee 73:15 employer's 6:17 enclosed 75:10 ended 23:20, 24:2 entered 58:12 entities 21:6 entitled 11:14 entitlements 17:23 entity 50:25, 51:2 51:4 Esq 2:3, 2:3, 2:10 2:15, 74:2, 74:21 74:22, 75:1, 75:1 75:19 essentially 66:8 estate 1:7, 2:8 11:25, 16:9, 16:12 16:15, 16:20, 17:1 17:3, 17:13, 17:24 18:2, 18:2, 18:20 20:22, 20:24, 21:1 21:3, 21:18, 22:25 23:6, 26:18, 40:4 42:17, 42:22, 42:23 43:10, 46:25, 47:1 47:3, 47:9, 60:2 everybody 6:17 9:22 Ex 3:11 ex-wife 17:15 ex-wife's 17:16 exact 7:7, 24:4 exactly 9:1, 11:9 13:18, 22:5, 32:9 32:21, 45:14, 45:21 46:13, 48:22, 65:23 Examination 3:4 5:8 excuse 22:16 excused 71:17 Exhibit 3:7, 3:8 3:10, 3:13, 3:14	3:16, 3:17, 3:18 3:19, 3:20, 3:21 3:21, 3:22, 28:10 28:12, 40:11, 40:13 47:14, 47:19, 49:8 49:11, 49:18, 49:20 49:22, 58:14, 58:20 59:17, 59:20, 61:25 62:2, 63:8, 64:7 64:9, 66:1, 66:22 66:24, 67:2, 67:2 70:1, 70:3 EXHIBITS 3:6 28:11, 40:12, 47:18 49:10, 49:19, 58:13 59:19, 62:1, 63:7 64:8, 66:23, 70:2 exist 52:7 expenses 39:17 39:19 expired 19:19 expires 73:22 explain 24:8, 46:22 explained 34:19 Explorer 51:3 51:22 Express 9:25, 27:20 28:5, 28:5, 28:7 expressly 4:24 73:10 extended 69:11 extra 43:13, 66:11
<b>E</b>			<b>F</b>
earlier 15:10, 19:25 20:9, 40:10, 40:17 48:17, 68:1, 70:7 Early 15:9 East 2:16 education 7:22 Edward 2:10, 74:2 75:19 effect 4:18 effects 17:7, 17:19 either 68:3, 71:15 El 15:20, 68:1, 68:7 68:13, 68:13, 69:11			fact 52:2, 66:5 factual 13:16 Fair 43:18 Falls 21:13, 21:17 32:8, 32:10, 32:11 Family 59:23 63:18, 64:24 fan 50:22 far 33:10 father 8:5, 8:6, 31:9 father's 8:7, 9:20 40:4 favor 18:24, 44:15 Fawn 5:12, 21:2 54:5, 54:25, 55:7

JEFFRIES COURT REPORTING, INC.

9:23-ap-09001-BPH Doc# 69-58 Filed 11/15/23 Page 25 of 32

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

fraud 71:7 free 74:14 Freelance 1:24, 4:5 73:5, 73:20 friend 44:21 fuel 9:24 full 9:23, 11:22 24:16, 41:7, 42:5 funds 60:13, 60:14 64:1, 66:15 further 4:9, 4:14 4:21, 73:14	going 10:17, 14:24 19:8, 28:9, 32:3 32:5, 40:10, 47:13 51:5, 54:8, 58:6 58:19, 59:16, 61:24 62:19, 63:5, 64:6 69:25, 71:8, 71:14 gold 39:11 gonna 32:14 good 33:9, 50:11 gotten 52:10, 57:6 Grand 2:4, 75:2 granting 3:11 48:23 ground 5:20 guess 8:2, 8:15 9:19, 13:5, 14:2 19:21, 22:1, 22:4 31:16, 40:1, 41:18 51:7, 51:8, 51:10 53:11, 55:23, 56:20 57:24, 61:8, 61:10 62:23, 68:9 guessing 22:3 guy 6:12, 6:14 7:12, 44:14, 44:20 45:1, 57:12	Hearing 3:12, 3:12 Heights 18:8, 32:10 32:11 heir 22:1 heirs 21:23, 21:24 held 21:10, 69:22 hell 69:16 help 5:23, 69:18 helping 7:14, 8:5 hereto 72:13 hereunto 73:17 Higgins 2:11, 74:3 high 7:23, 54:19 highway 32:6 history 7:22 hit 6:13 home 6:13, 17:2 17:4, 18:9, 18:16 19:9, 19:12, 19:14 19:16, 19:24, 25:1 25:19, 26:4, 38:2 38:5, 45:22, 46:5 54:25, 55:2, 55:7 56:23, 62:17, 65:13 65:14 homes 18:13, 38:4 homesteaded 21:16 hounding 44:24 hour 58:7 hours 6:13, 33:12 house 17:18, 20:11 30:10, 44:15, 44:16 44:17, 44:20, 44:22 53:3, 56:3, 56:14 56:25, 57:6, 57:13 household 37:13 37:13 Hugh 59:23, 63:18 64:3, 64:18, 64:24 67:19 Hugh's 8:8, 15:15 15:19, 16:2, 21:25 44:15, 67:14 huh-uh 9:8, 23:14 36:10, 54:22, 55:1 hurry 16:24, 24:23 hustle 51:9 hwillstein@goetzla... 2:7	I idea 38:2, 50:20 50:25, 51:11, 57:22 identification 28:13 40:14, 47:20, 49:12 49:21, 58:15, 59:21 62:3, 63:9, 64:10 66:25, 70:4 immediately 35:23 37:10, 37:15 improper 43:12 include 46:10 included 11:1 includes 42:11 Including 22:8 43:12 income 8:21, 9:7 35:19, 68:5, 69:6 independent 53:13 53:16 individually 13:9 56:23, 57:3 industry 16:5 information 59:10 68:6, 68:9, 69:11 initiate 12:11 instituted 10:24 insurance 6:14 6:15 Intended 65:20 interest 34:16, 42:6 42:23, 68:3 interested 73:16 interests 67:15 68:12 interposed 4:18 intersect 32:6 intersection 32:5 investments 1:10 2:13, 30:13, 30:24 31:1, 31:7, 32:20 32:24, 37:5, 37:6 37:8, 39:8, 50:21 51:12, 51:15, 52:5 52:7, 52:11, 53:2 53:10, 53:17, 54:1 55:14, 55:18, 55:20 56:1, 56:17, 66:9 involved 6:16, 6:20	9:16, 15:24, 17:25 51:23, 54:4, 56:1 involvement 51:14 59:5 iron 31:22 irons 31:21 issue 11:16 issued 48:7, 48:24 49:2 issues 11:18, 12:8 items 67:19
G Gardner 2:3, 2:4 3:4, 5:9, 5:15, 14:4 14:23, 19:11, 21:12 28:4, 28:15, 29:18 29:21, 40:16, 42:9 42:10, 47:21, 49:13 49:22, 58:6, 58:16 59:22, 62:4, 63:11 64:11, 67:1, 69:20 69:23, 70:5, 71:10 74:21, 75:1, 75:2 gas 31:14, 31:23 32:15, 33:5, 33:14 33:20, 34:7, 51:17 52:22 Geddes 2:4, 75:2 getting 9:23, 24:2 37:11, 57:16 gift 35:2, 35:15 36:1 girls 11:20 give 10:17, 31:11 33:24, 34:25, 35:1 35:1, 35:3, 36:6 39:5, 47:10, 64:14 74:14 given 25:12, 48:8 giving 38:7, 39:23 Glacier 31:24, 32:2 32:12 go 14:14, 32:1 33:24, 35:25, 52:1 64:23, 65:6, 69:16 69:20, 69:23 Goetz 2:4, 75:2	H half 56:9 Hamilton 1:25, 4:7 73:6, 73:21 hand 6:10, 28:9 47:13, 49:17, 58:19 59:16, 61:24, 63:5 64:6, 66:21, 69:25 73:17 handing 49:7 handled 16:21 handling 23:6 Hannah 2:3, 74:22 75:1 happened 13:18 13:25 happy 23:7 Harbers 3:9, 22:17 hard 13:17, 19:3 head 15:7 heard 7:7, 12:9	hours 6:13, 33:12 house 17:18, 20:11 30:10, 44:15, 44:16 44:17, 44:20, 44:22 53:3, 56:3, 56:14 56:25, 57:6, 57:13 household 37:13 37:13 Hugh 59:23, 63:18 64:3, 64:18, 64:24 67:19 Hugh's 8:8, 15:15 15:19, 16:2, 21:25 44:15, 67:14 huh-uh 9:8, 23:14 36:10, 54:22, 55:1 hurry 16:24, 24:23 hustle 51:9 hwillstein@goetzla... 2:7	Intended 65:20 interest 34:16, 42:6 42:23, 68:3 interested 73:16 interests 67:15 68:12 interposed 4:18 intersect 32:6 intersection 32:5 investments 1:10 2:13, 30:13, 30:24 31:1, 31:7, 32:20 32:24, 37:5, 37:6 37:8, 39:8, 50:21 51:12, 51:15, 52:5 52:7, 52:11, 53:2 53:10, 53:17, 54:1 55:14, 55:18, 55:20 56:1, 56:17, 66:9 involved 6:16, 6:20	June 7:18, 10:7 11:3, 19:20, 20:5 21:19, 21:19, 23:4 23:12, 62:6, 67:4 69:14 June/July 7:17
			K Karen 22:17 Kent 9:14, 11:13 12:7, 12:11, 12:22 16:14, 22:15, 22:17 23:11, 23:22, 45:8 45:9, 45:10, 45:11 45:15, 46:5, 67:13 67:20, 68:13, 68:25 68:25, 69:3, 69:10 Kent's 13:1	

JEFFRIES COURT REPORTING, INC.

9:23-ap-09001-BPH Doc# 69-58 Filed 11/15/23 Page 26 of 32

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

kept 69:10 Ketterer 2:4, 75:2 key 33:13 kind 8:4, 8:5, 37:14 53:12, 57:9, 69:5 knew 7:7, 15:6 41:20, 41:24, 42:2 42:6, 51:20 know 5:21, 5:21 10:15, 11:23, 13:7 13:7, 14:13, 15:8 19:20, 19:25, 21:14 22:5, 23:18, 26:14 27:3, 27:22, 30:19 31:4, 31:25, 41:16 42:1, 43:14, 43:17 44:7, 46:1, 46:2 46:13, 46:24, 47:11 47:16, 47:24, 51:2 51:7, 51:16, 51:17 52:9, 52:11, 55:25 56:8, 56:19, 56:20 61:7, 61:7, 62:18 62:23, 68:5, 68:15 68:19, 68:21, 69:5 69:17, 71:2 knowing 9:23, 34:9 knowledge 16:10 49:2, 57:2, 57:17	12:10, 12:13 layperson 41:17 lease 19:19, 19:22 20:12, 37:14, 37:16 54:23, 67:23, 68:19 68:22, 69:2 leave 30:4 Lee 3:9 left 22:2, 60:17 legal 46:15 letter 3:24, 3:25 12:10, 12:13, 74:12 liability 42:22 lights 57:24 likewise 40:2 limit 16:22 line 31:20, 72:3 liquid 38:24 list 17:8, 17:9 58:25 listed 11:12, 13:6 13:10, 18:3 listing 13:24 literally 41:6 litigation 6:21, 6:22 7:2, 7:4, 12:12 50:14 little 7:23, 25:2 57:6 live 44:17, 54:20 55:2 lived 18:6, 52:19 55:4 lives 43:25, 44:3 livid 44:16 living 39:16, 39:19 LLC 1:10, 2:13 30:14, 31:2, 31:3 Lane 5:12, 21:2 54:5 large 26:24 Laughter 68:15 law 2:11, 2:16 43:16, 74:3 lawful 5:4 lawsuit 48:14 49:15, 50:1 lawyer 11:23, 12:14 43:15, 44:19 lawyer's 11:24	long 15:15, 18:4 look 14:5, 31:20 33:21, 54:6, 54:8 55:22, 60:5, 60:16 70:20 looked 20:19, 27:19 33:6, 33:22, 38:3 41:20, 41:21, 41:24 42:24, 45:10, 45:11 57:8, 64:18 looking 12:2, 31:12 31:14, 33:19, 34:5 47:25, 52:21, 53:5 looks 60:17, 64:15 71:6 losing 33:8, 33:12 lot 5:22, 14:14 17:6, 19:6, 19:8	25:17, 53:6, 54:3 54:17, 54:17, 55:13 means 43:17 meeting 10:6, 11:4 21:20, 23:22, 24:10 24:11, 24:21, 45:2 45:3, 45:8, 45:9 member 53:9, 53:21 mentioned 9:9, 74:9 met 19:3 might've 20:17 miles 68:22 million 16:19 17:21, 17:22, 22:3 50:11, 50:15 mine 6:16, 24:12 28:8 Minnesota 50:23 minute 8:17, 69:21 miracle 23:10 mishandled 23:23 Missoula 1:14, 1:23 2:12, 2:17, 73:4 74:4 Missouri 44:3 managed 6:11 Manager 74:19 75:16 managing 40:3 mark 28:9, 40:10 47:14, 49:7, 58:19 59:16, 61:25, 63:5 64:6, 66:22, 69:25 marked 28:12 40:13, 47:19, 49:11 49:20, 58:14, 59:20 62:2, 63:8, 64:9 66:24, 70:3 marriage 18:14 married 18:4, 19:12 19:15, 22:16, 29:13 29:15, 53:15 Mary 22:15, 22:15 22:16, 22:24 matches 64:17 Matt 2:15 matt@shimanekla... 2:17 matter 46:15 mean 13:15, 14:1	74:4, 75:3 Monte 15:20, 68:1 68:7, 68:13, 68:13 69:11, 69:15 month 31:4, 55:20 62:6 months 12:17 31:14, 33:4, 33:22 34:11, 34:22, 52:3 52:8, 54:23, 54:23 56:22, 57:14, 69:12 moot 17:16 mortgage 56:6, 56:9 57:19 mother 21:16, 51:4 Motion 3:11 motorhome 6:11 6:13, 15:21, 68:2 69:15 motorhomes 15:23 15:25 Mount 1:23 move 19:18, 20:9 31:8, 67:22 moved 19:21, 20:4 20:21, 55:5 moving 31:10 multimillion-dollar 69:4 multiple 53:6 Murphy 2:10, 2:11 71:13, 74:2, 74:3 75:19 Mystery 66:13
L		M		N
laid 56:10 Lake 15:14, 15:14 17:6, 18:7 land 68:20, 68:22 69:3, 69:8 landlord 44:21 Lane 5:12, 21:2 54:5 large 26:24 Laughter 68:15 law 2:11, 2:16 43:16, 74:3 lawful 5:4 lawsuit 48:14 49:15, 50:1 lawyer 11:23, 12:14 43:15, 44:19 lawyer's 11:24	lived 18:6, 52:19 55:4 lives 43:25, 44:3 livid 44:16 living 39:16, 39:19 LLC 1:10, 2:13 30:14, 31:2, 31:3 31:7, 32:20, 32:24 34:15, 37:5, 37:6 37:8, 50:21, 51:12 51:15, 51:19, 51:21 51:24, 52:7, 53:10 55:14, 55:18, 55:20 56:1, 56:17, 66:9 loan 55:15 loaned 71:4 location 52:24 Lois 44:17 Lois's 44:18	mailbox 52:3 main 46:14 making 13:1, 16:22 29:24, 57:23, 59:11 managed 6:11 Manager 74:19 75:16 managing 40:3 mark 28:9, 40:10 47:14, 49:7, 58:19 59:16, 61:25, 63:5 64:6, 66:22, 69:25 marked 28:12 40:13, 47:19, 49:11 49:20, 58:14, 59:20 62:2, 63:8, 64:9 66:24, 70:3 marriage 18:14 married 18:4, 19:12 19:15, 22:16, 29:13 29:15, 53:15 Mary 22:15, 22:15 22:16, 22:24 matches 64:17 Matt 2:15 matt@shimanekla... 2:17 matter 46:15 mean 13:15, 14:1	nail 13:16 name 5:10, 5:14 20:12, 20:17, 20:17 22:16, 29:11, 29:15 29:17, 29:21, 29:24 Montana 1:1, 1:14 1:23, 1:24, 1:25 2:5, 2:12, 2:17, 4:6 4:7, 4:11, 5:13 19:18, 20:2, 20:21 31:8, 51:17, 54:21 55:5, 73:3, 73:6 73:6, 73:21, 73:21 names 20:15, 22:14 68:6, 69:6 nearby 68:20 necessarily 38:3 need 5:25, 11:25	

JEFFRIES COURT REPORTING, INC.

9:23-ap-09001-BPH Doc# 69-58 Filed 11/15/23 Page 27 of 32

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

38:9, 47:15 needed 39:6, 44:8 51:19, 51:20, 57:7 neighborhood 44:18 neither 62:22 Nevada 51:4, 51:22 never 7:7, 8:11 10:16, 11:16, 18:21 19:14, 19:16, 56:17 68:14 new 32:19 night 11:24, 41:6 41:11, 41:12 nine 54:23 nods 6:2 north 2:4, 2:11 17:6, 74:3, 75:2 Notary 1:24, 4:6 73:5, 73:21 note 74:12 notes 73:12 Notice 3:12 notification 10:5 noting 74:10 number 3:7, 3:8 3:10, 3:13, 3:14 3:16, 3:17, 3:18 3:19, 3:20, 3:21 3:22, 28:12, 40:11 40:13, 42:10, 42:20 47:19, 49:11, 49:20 58:14, 59:20, 62:2 63:8, 64:9, 66:24 70:3 numbers 7:8	oh 14:19, 19:16 28:23, 30:5, 47:15 52:20, 55:16, 61:13 62:15, 63:10 okay 5:14, 5:20, 6:1 7:2, 7:5, 7:16, 7:21 7:21, 7:24, 8:3, 8:9 8:17, 8:25, 9:3 9:15, 10:2, 10:8 10:12, 10:23, 11:3 11:13, 12:3, 12:7 12:11, 13:11, 14:4 14:10, 14:12, 14:15 14:23, 15:2, 15:15 15:18, 15:24, 17:1 17:12, 17:14, 18:6 18:18, 19:11, 19:17 19:19, 20:3, 20:6 20:12, 20:20, 20:24 21:5, 21:18, 22:6 22:12, 22:22, 23:4 23:8, 23:11, 24:1 24:5, 24:9, 24:14 24:24, 25:6, 25:9 26:17, 27:10, 27:16 28:21, 28:23, 30:2 30:5, 30:10, 31:1 32:12, 32:16, 34:4 34:4, 34:4, 34:13 34:24, 35:4, 35:17 35:20, 36:1, 36:8 36:11, 37:4, 37:7 38:1, 38:6, 38:10 38:15, 39:8, 39:20 39:22, 40:2, 40:9 40:23, 41:1, 42:9 42:20, 43:5, 44:2 44:6, 44:12, 44:22 45:4, 46:23, 47:5 47:13, 48:4, 48:14 49:4, 49:7, 49:24 50:3, 50:6, 50:20 50:24, 51:11, 51:23 52:15, 52:18, 52:23 53:1, 53:17, 53:24 54:4, 54:24, 55:7 55:25, 56:12, 56:22 58:8, 58:24, 59:12 59:18, 60:5, 61:15 61:17, 61:24, 62:8	62:15, 62:16, 62:21 62:23, 63:3, 63:10 63:14, 63:22, 63:25 64:13, 65:2, 65:6 65:17, 65:24, 66:3 66:14, 66:21, 67:8 67:12, 67:18, 67:25 68:11, 68:15, 68:20 70:9, 70:18, 70:23 70:24, 71:6, 71:12 old 13:17 once 32:19, 38:15 online 54:3 open 19:22, 69:8 opened 31:4, 31:6 31:16, 52:3 opportunity 15:22 options 34:23, 53:7 order 3:11, 3:12 48:23, 64:21, 64:22 ordering 74:13 75:11, 75:14 oriented 57:22 original 59:14 74:13, 75:10, 75:13 originally 6:23 10:19, 54:13 oversaw 18:1 owed 7:6, 37:21 44:23, 47:3 owned 18:16, 19:14 19:16, 21:3, 32:24 34:15 ownership 21:5	11:25, 16:20, 21:25 24:5, 27:20, 28:5 37:13, 38:18, 39:18 42:19, 44:13, 55:16 55:18, 55:19, 57:24 paper 29:23 paragraph 50:9 parcels 17:5 Pardon 29:18 park 32:5 part 6:22, 47:1 53:20, 53:22, 53:23 56:24, 56:25, 67:14 Parte 3:11 particularly 54:18 parties 4:4, 4:10 4:15, 4:22, 73:14 party 74:13, 75:11 75:14 passed 75:13 pay 10:9, 25:15 35:22, 35:24, 36:4 36:20, 36:21, 37:1 37:12, 38:8, 39:23 45:1, 46:17, 46:22 47:6, 55:14, 57:4 paying 37:15, 37:22 37:22, 38:25, 39:16 40:4, 56:16, 71:4 payment 9:21, 9:24 10:3, 11:21, 12:5 41:7, 42:5, 60:9 payments 3:16 10:1, 14:7, 58:25 59:11 payout 11:6 PayPal 39:12 payroll 56:6 people 7:8, 10:22 68:8, 69:6 people's 68:6 person 22:4 personal 16:7, 17:7 17:18, 42:21, 43:5 57:17 pertaining 62:25 phone 37:17, 59:8 pages 34:2, 65:7 72:13, 73:11 paid 6:17, 9:19 physically 20:4
O	P	P.C 2:4, 75:2 p.m 1:15, 58:10 58:11, 71:16 P.O 2:5, 75:3 page 3:2, 50:6, 50:7 50:8, 50:8, 60:5 60:16, 62:8, 64:15 64:23, 65:18, 66:1 70:20, 70:21, 72:3 74:9, 74:10, 74:10 pages 34:2, 65:7 72:13, 73:11 paid 6:17, 9:19	payout 11:6 PayPal 39:12 payroll 56:6 people 7:8, 10:22 68:8, 69:6 people's 68:6 person 22:4 personal 16:7, 17:7 17:18, 42:21, 43:5 57:17 pertaining 62:25 phone 37:17, 59:8 photo 3:9, 3:19 63:11 physically 20:4
oath 5:6 objection 12:4 objections 4:16 4:17 obtain 55:15, 67:22 obviously 46:25 56:9 occupants 20:16 office 10:6, 11:24 40:24, 43:24, 52:10 74:19, 75:16 Offices 2:11, 74:3			

JEFFRIES COURT REPORTING, INC.

9:23-ap-09001-BPH Doc# 69-58 Filed 11/15/23 Page 28 of 32

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

Priest 22:17 printed 29:23 prior 11:3, 16:2 probably 6:11 52:20, 57:14, 57:21 59:7 probate 3:9, 23:19 23:20, 42:12 problem 12:9 29:13, 46:20 problems 16:23 57:11 Procedure 4:12 proceeding 9:11 proceedings 58:9 58:11 proceeds 60:11 process 64:15 produced 3:21 14:18, 63:12 promise 45:1 promised 45:6 proof 14:1 proper 35:2 properties 67:22 67:23 property 10:20 10:21, 17:5, 17:20 17:21, 18:11, 21:2 21:16, 33:10, 33:10 41:7, 42:4, 54:5 54:17, 57:19, 60:10 60:12, 67:23, 69:1 69:4 provided 74:11 provision 42:20 Public 1:24, 4:6 73:5, 73:21 purchase 33:5, 54:4 54:25, 56:22 purchased 55:8 55:9 Purpose 65:20 pursuing 53:7 put 25:1, 25:14 26:11, 26:14, 29:6 30:12, 30:12, 33:2 42:25, 57:7, 57:19 59:12, 64:22, 65:14 putting 30:16	31:15, 34:14, 51:23  <b>Q</b>  question 5:21, 7:6 19:2, 42:8, 56:12 questionable 8:4 questioned 9:20 questions 14:13 67:10, 68:4, 71:11 71:13, 74:14 quick 5:20, 54:16 quickly 19:10 quite 20:18, 41:5 quote 68:17, 68:18	redirect 71:15 reduced 15:23 reference 21:12 related 13:2 relative 73:15 release 3:9, 3:25 13:5, 40:16, 40:20 43:8, 45:16, 46:11 74:12 releases 42:21 releasing 43:8 relied 39:5 remarried 44:17 remember 6:9, 12:1 13:17, 24:3, 30:14 30:16, 46:13, 46:14 53:24, 54:13 rent 27:22, 27:24 37:17 rental 15:21, 68:2 69:15 rented 15:22, 19:12 19:17 read 3:24, 13:13 74:10, 74:13, 75:11 reading 4:23, 73:9 74:12, 75:13 ready 34:20, 45:5 52:1, 56:10 real 17:24, 18:11 18:20, 20:21, 20:24 21:1, 21:3, 27:1 realized 57:7 really 14:14, 19:3 44:15, 45:22 reason 13:22, 16:24 46:23 recall 8:9, 44:9 45:21, 51:25, 54:2 54:7, 54:8, 67:4 Receipt 3:9 receive 22:19 received 8:9, 11:22 40:21, 67:2 recess 58:10 recognize 47:21 reconvened 58:10 record 5:11, 5:24 21:11, 58:12, 58:17 59:11, 69:20, 69:22 69:24	rest 23:17, 27:21 59:9 Restraining 3:11 retirement 10:14 return 36:4, 37:8 38:7, 71:7 reviewed 41:11 Richard 1:6, 2:7 2:20, 5:18 right 11:9, 12:19 13:20, 25:4, 25:23 26:18, 27:2, 27:5 30:2, 32:1, 32:4 36:3, 37:20, 39:4 41:19, 42:6, 43:11 43:19, 48:20, 49:9 55:14, 56:6, 58:21 60:24, 61:12, 61:20 63:23, 65:11, 65:16 65:16, 65:23, 66:14 66:18, 66:20, 74:13 ripping 57:15 road 68:23 Rohlfs 1:23, 4:5 73:5, 73:20 Rona 74:19, 75:16 rotten 57:10 roughly 15:9 RPR 1:23, 4:5, 73:5 73:20 ruled 34:8 rules 4:12, 5:21 run 48:9 Rusty 2:10, 74:2 75:19 rusty@murphylaw... 2:12 RV 8:8, 15:16 15:19, 15:20, 16:2 68:1	satisfaction 41:8 42:5 savings 26:23 70:13 saw 33:8, 33:11 33:14, 34:7 saying 30:1, 48:6 says 28:20, 28:21 29:23, 41:7, 43:16 65:19, 70:24 school 7:23 Scott 1:3, 1:7, 1:20 2:8, 2:18, 3:3, 3:13 3:16, 5:3, 5:12 18:24, 28:18, 29:11 61:2, 63:17, 72:17 73:8, 74:6, 74:6 75:5, 75:8 scouting 52:24 seal 73:17 second 14:15, 50:7 66:1 Security 8:23, 9:6 see 11:23, 13:19 13:22, 14:15, 23:21 Rona 74:19, 75:16 24:23, 28:21, 43:23 rotten 57:10 48:7, 60:7, 61:3 67:9 seeing 34:9 seeking 50:15 seen 21:8, 21:12 38:5, 43:15, 43:20 sell 10:20, 10:20 sense 29:25, 33:16 sent 12:10, 74:11 separate 53:18 September 1:15, 5:1 73:17, 74:1, 75:8 set 34:21, 69:17 73:17 settled 7:12 seven 22:9, 22:9 severance 10:14 11:12 shakes 6:2 she'd 34:21, 51:7 51:19 sheet 60:25 Shimanek 2:15 2:16, 13:22, 42:7
			<b>S</b>	

JEFFRIES COURT REPORTING, INC.

9:23-ap-09001-BPH Doc# 69-58 Filed 11/15/23 Page 29 of 32

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

71:12, 71:14 shop 31:13, 31:16 should've 64:22 show 39:18, 45:3 45:7 showed 11:10 showing 11:7 44:19 shows 11:21, 63:14 sibling 22:24 siblings 9:15, 10:4 11:4, 13:4, 13:10 16:15, 22:6, 22:19 23:5, 24:9, 24:22 33:23, 40:2, 40:21 42:16, 43:22, 60:14 61:9, 61:12, 61:18 61:21 sign 3:24, 40:21 42:3, 44:7, 44:8 44:12, 45:2, 74:10 signature 71:17 signed 9:22, 11:19 11:20, 11:22, 12:6 13:5, 43:22, 43:23 43:24, 75:11 signing 4:23, 45:24 73:9, 75:13 silver 39:11 similar 62:9 Sincerely 74:16 sister 43:25 sisters 10:15, 10:25 11:20, 43:24 six 22:7, 22:13 44:5, 47:4, 54:22 Slight 21:10 slips 3:20, 62:10 smell 57:14, 57:16 Social 8:23, 9:5 sold 10:18, 17:18 17:20, 17:22, 19:10 sole 27:16 solely 28:6, 28:8 32:25 solved 66:13 somebody 37:23 somewhat 64:21 son-in-law 17:17 44:18	soon 35:23 sorry 14:19, 22:9 29:20, 41:23, 55:17 source 8:21 Split 26:6 Spotted 5:12, 21:2 54:5, 54:25, 55:7 spreadsheet 3:16 11:5 Spruce 1:14, 2:16 Square 74:4 ss 73:3 Staff 2:6 stamp 65:19 stand 32:15 standard 42:25 43:3 standardly 42:25 start 12:7, 26:12 26:14, 26:16, 68:23 started 9:6, 35:22 37:11 starting 8:23 state 1:24, 4:6, 5:10 73:3, 73:5, 73:21 statement 3:8, 3:9 3:17, 3:18, 3:22 28:16, 42:11, 59:23 62:5, 70:6 statement's 70:9 STATES 1:1 station 31:14, 31:23 32:15, 33:5, 33:20 34:7, 51:17, 52:22 stayed 20:10, 20:18 stenotype 73:12 stink 40:3, 40:6 40:7 stipulated 4:3, 4:9 4:14, 4:21 Stipulations 3:5 Stop 31:24, 32:2 32:12 stopped 17:15 storage 67:19 67:21, 67:24, 68:8 68:23, 68:24 store 69:8 stored 67:20 Street 1:14, 2:16	struggling 37:18 stuff 8:6, 17:8, 27:4 31:17, 31:20, 57:16 subpoena 67:3 subpoenaed 63:1 subsequent 72:12 subsequently 58:10 substance 27:2 27:5 sued 7:9 suing 48:19 Suite 1:23, 2:11 74:3 summons 3:13 49:14, 49:14, 50:4 supplied 47:24 sure 9:1, 14:25 15:6, 16:22, 23:14 23:16, 45:13, 47:17 56:20, 57:23 surprised 41:5 swear 73:7 sworn 3:9, 5:5	69:16 Temporary 3:11 tens 36:11 Terra 1:23, 4:5 73:5, 73:20 testified 5:6, 65:12 testimony 40:19 53:1, 72:11, 73:13 tgardner@goetzla... 2:6 thank 27:25, 28:14 40:15, 58:18, 71:11 71:12 thank-yous 40:8 thing 13:8, 17:14 21:15, 22:24, 25:9 30:18, 31:18, 34:10 46:14, 57:9, 67:25 68:25 things 13:16, 31:21 33:13, 42:15, 67:18 think 7:12, 7:14 10:10, 12:22, 20:15 24:12, 25:12, 27:5 30:16, 30:19, 33:15 33:15, 34:2, 34:19 37:10, 38:3, 38:4 40:9, 40:19, 42:7 46:19, 51:18, 51:19 51:20, 54:3, 54:18 56:7, 57:5, 59:9 62:17, 62:17, 64:14 69:12 thinking 31:15 46:14 thought 7:8, 23:19 23:23, 52:9, 54:14 54:15, 54:19, 57:8 66:4 thousand 38:21 thousand-dollar 30:15 thousands 36:12 three 10:15, 11:20 11:20, 13:4, 18:13 44:4, 61:11, 61:12 61:13, 61:17, 61:18 Thursday 1:15, 5:1 75:8 tied 14:3	time 4:17, 4:19, 8:1 8:12, 11:13, 11:18 12:4, 12:9, 16:22 18:7, 18:15, 19:4 23:4, 23:22, 25:7 31:19, 31:20, 33:5 34:7, 36:22, 36:23 38:1, 39:24, 40:8 41:10, 47:15, 56:8 57:5, 64:1, 65:15 70:13, 75:13 timeline 13:14 33:25, 34:1, 59:1 times 5:22, 6:5 6:18, 43:20 tithing 9:20 titled 67:2 today 58:23 today's 13:12 told 7:10, 7:13 10:15, 10:16, 10:25 10:25, 33:22, 46:24 68:21, 68:25, 69:3 top 15:7, 60:24 total 24:1 tractor 23:1 traded 26:7, 32:18 32:19, 66:8 trailers 27:4 transcription 73:12 transferred 14:9 35:2, 35:4, 36:2 36:24, 37:6, 37:7 37:23, 38:1, 38:15 39:2, 55:20, 55:23 56:23, 57:3 travel 31:24, 32:2 32:12, 51:3, 51:5 51:22 Trent 2:3, 5:14 42:8, 74:21, 75:1 trial 4:17 tried 40:20, 68:19 68:21 trip 52:20, 52:22 TRO 48:23 truck 22:25, 22:25 38:18, 38:20 trucks 27:3 true 72:10, 73:12
T				

JEFFRIES COURT REPORTING, INC.

9:23-ap-09001-BPH Doc# 69-58 Filed 11/15/23 Page 30 of 32

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

trust 7:1, 7:19 12:20, 46:17, 48:9 59:24, 59:25, 63:18 64:19, 64:24, 65:8 69:18 trusted 41:17, 41:19 trustee 1:6, 2:8 5:16 truth 5:5, 5:5, 5:6 try 5:24, 41:15 trying 19:24, 51:9 68:12, 68:22, 69:1 69:2, 69:12 turn 33:13, 50:6 50:8, 62:8, 65:17 66:1 turned 6:25, 44:19 turns 57:9 two 12:17, 15:1 24:12, 26:7, 27:6 43:24, 55:21, 62:13 63:14, 67:18, 68:9 69:12, 71:5 type 15:18, 61:5 typed 45:23, 45:25 46:5	updated 14:21 use 29:14, 29:24 32:14, 36:21 Utah 18:8, 18:9 18:12, 18:14, 18:22 19:14, 19:22, 20:6 20:13, 20:15, 42:12 52:19, 54:23 utilities 37:15	wanted 13:15 16:25, 23:1, 23:14 23:16, 45:23, 51:6 53:12, 53:17, 55:24 57:4, 67:8 wanting 53:3 wants 56:5 water 19:9, 37:14 way 7:15, 8:19 22:23, 23:21, 24:22 39:16, 39:22, 40:4 ways 47:4 We've 27:19, 53:12 58:6	wired 61:16 withdrawal 3:20 60:25, 62:10, 64:16 64:16 witness 3:2, 3:23 4:23, 5:4, 18:25 19:5, 27:24, 58:8 71:17, 72:1, 73:8 73:10, 73:13, 73:17 74:12 word 35:3 work 15:15, 15:18 33:17, 69:13 worked 17:16 working 16:2 world 26:13, 26:21 worth 33:10 would've 19:21 20:1, 30:20 writing 16:18, 36:8 written 24:10, 38:6 wrong 41:20, 41:25 42:1, 62:18 wrote 24:6	9:10, 12:17, 51:2 71:4 years 6:10, 15:8 16:21, 31:10, 31:12 34:22, 38:23, 43:16 70:17
	V			Z
				Zions 3:17, 3:18 3:19, 3:20, 30:11 59:22, 61:2, 61:19 62:24, 63:1, 64:12
				1
				1 3:7, 28:10, 28:12 28:24, 62:13, 63:17 65:10 1,000 38:16 1,000-something 30:17 1,052,000-some-do... 61:3 1,809.23 70:23
			Y	1:00 1:15 10 3:20, 54:17 64:7, 64:9, 66:1 10,000 33:14 100 70:16, 70:17 1015 1:23 11 3:21, 66:22 66:24, 67:2 11/4/23 73:22 1100 66:11 11423 5:12, 21:2 54:5 12 3:22, 70:1, 70:3 127 2:11, 74:3 14 1:15, 5:1, 75:8 16th 70:19 17 49:4, 50:4 50:12 50:12, 50:13, 50:16 50:19, 52:9, 52:13 52:17, 52:21, 52:22 54:12, 54:12, 55:16 60:11, 61:1, 61:7 61:13, 61:16, 61:16 62:21, 62:23, 66:2 66:11, 66:13, 70:23 71:3, 71:9 year 6:8, 6:10, 7:20
U				
uh-huh 5:19, 14:16 15:4, 25:25, 26:19 30:8, 32:17, 50:19 56:15, 58:24, 59:15 60:8, 61:4, 61:23 63:24, 67:5, 67:7 70:11, 71:1 ultimately 12:18 un-joint 53:15 unbeknownst 10:25 underneath 57:10 undersigned 42:5 42:23 understand 5:15 14:21, 30:1 understanding 65:20 understood 47:12 Uniform 42:12 unit 68:8 UNITED 1:1		yard 67:19 yeah 6:4, 7:18, 7:20 WHEREOF 73:17 wife 17:3, 21:25 38:9, 38:10 Willden 28:19 29:12 Williams 1:3, 1:7 1:10, 1:20, 2:8 2:13, 2:18, 2:20 3:3, 3:13, 5:3, 5:12 5:14, 6:24, 9:14 14:19, 22:15, 22:15 22:17, 22:18, 28:18 29:11, 29:12, 29:16 29:20, 58:16, 59:4 59:23, 60:18, 61:3 63:17, 63:18, 64:18 64:24, 67:14, 71:11 72:17, 73:8, 74:6 74:6, 75:5, 75:8 Willstein 2:3, 74:22 75:1		
	W			
	W-2s 8:10 wait 5:22, 19:1 waited 10:9 waiting 69:5 waived 74:13 waives 42:11 walk 59:13 want 16:18, 26:14 26:14, 33:17, 47:10 53:11, 53:20			

JEFFRIES COURT REPORTING, INC.

9:23-ap-09001-BPH Doc# 69-58 Filed 11/15/23 Page 31 of 32

IN RE: WILLIAMS, DEBTOR

9/14/2023

SCOTT WILLIAMS

190905179 3:12 3:14, 3:15 193700250 3:10 1992 18:17, 19:7 1st 10:10, 25:4 48:7, 48:24, 63:10 64:4, 65:3	21st 7:20 23,000 7:13 24 70:24 24/7 33:17 25,000 25:14, 25:21 27:7, 27:10, 27:18 28:22, 28:25, 29:2 29:3, 36:15, 63:20 64:25, 66:15 250,000 7:10, 48:6 2500 7:9, 48:5 25th 52:14 26th 10:7, 11:3 21:19, 44:14 28 3:8 28th 43:24, 44:4 2nd 65:25, 66:5 66:6	401-something-tho... 30:22 406)721-1143 1:24 426,000 24:17 25:24, 26:17 426,000-some-odd 24:3 426,753.71 62:10 64:17 47 3:12 49 3:14, 3:15	74 3:24 75 3:25 75,000 9:21, 10:2 10:13, 11:11, 12:8 43:13 7th 10:10	
2		5	8	
2 3:8, 22:3, 40:11 40:13, 50:15 2,000 38:16 2,134,000-and-som... 60:7 2.2 22:3 2.5 50:10 2.55 50:11 2.7 17:21 2:04 58:10 2:26 58:11 2:46 71:16 20 15:8, 21:19 20,000 44:23 200 71:7 2000s 15:9 2007 15:17 2014 10:19, 18:5 2015 10:19 2018 8:15, 17:22 70:19 2018/early 8:18 2019 7:17, 8:2, 8:3 8:13, 8:14, 8:16 8:18, 8:22, 9:5 10:7, 11:4, 13:17 16:19, 21:13, 21:15 21:19, 23:4, 23:12 48:24, 50:12, 62:6 62:13, 63:17, 65:25 70:10 2020 19:20, 20:5 20:5 2021 8:24, 9:2, 9:4 9:6, 12:10, 12:13 2023 1:15, 5:1 72:15, 73:17, 74:1 75:8 20th 73:17, 74:1 21 50:8, 50:9	5 3:4, 3:14, 16:19 42:20, 49:18, 49:20 49:22, 50:9 58 3:16 59 3:17 59771-6580 2:5 75:3 3 3:10, 38:21 47:14, 47:19 30 6:10, 74:12 310 1:14, 2:11 74:3 317 2:16 35 2:4, 75:2 350,000 60:20 395,000 33:15 3rd 30:11, 30:23 66:4	9 3:19, 63:6, 63:8 9:22-bk-90147-BPH 1:5 90s 15:11		
	6			
	4	6 3:16, 58:14 58:20 6/19/19-7/17/19 3:8 6/26/19 3:17 62 3:18 63 3:19 64 3:20 6580 2:5, 75:3 67 3:21		
	7			
	7 1:6, 2:8, 3:17 59:17, 59:20 7/1/19 64:17 7/18/19-8/16/19 3:22 7/24 34:5, 34:8 7/31/19 3:18 70 3:22 72 3:23 73 3:24			

JEFFRIES COURT REPORTING, INC.

(406) 721-1143

9:23-ap-09001-BPH Doc# 69-58 Filed 11/15/23 Page 32 of 32